

peal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Joseph P. Phillips—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: Petition of the Patriotic Order Sons of America of Florida, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Knights of Columbia State Council of Florida, for bill H. R. 13304—to the Committee on the Library.

By Mr. DAWSON: Petition of the Iowa Retail Merchants' Association, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DUNWELL: Petition of the Merchants' Association of New York, for certain Senate amendments to the railway rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Protective Tariff League, for exclusive use of American material in the construction of the Panama Canal—to the Committee on Ways and Means.

Also, petition of A. Buchanan's Sons, for two classes of mail matter only, 1-cent letter postage, and 1 cent for 3 ounces on periodicals, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. EDWARDS: Paper to accompany bill for relief of G. W. Morgan—to the Committee on Claims.

By Mr. FINLEY: Paper to accompany bill for relief of Amelia D. Robertson (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. FLOOD: Petition of Mrs. Elsie Pfeiffer, for an appropriation of \$10,000 for furtherance of her work and achievements in the science of astronomy—to the Committee on Education.

By Mr. FULLER: Petition of the Chicago Commercial Association, for legislation to promote commerce by improvement of our merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAYES: Petition of the board of directors of the Merchants' Association of San Francisco, Cal., for drawback on import duties on building material for San Francisco—to the Committee on Ways and Means.

By Mr. MARSHALL: Petition of citizens of North Dakota, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of North Dakota, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. NEEDHAM: Petition of the Merchants' Association of San Francisco, for drawback on import duties on building material for San Francisco—to the Committee on Ways and Means.

By Mr. ROBINSON of Arkansas: Paper to accompany bill for relief of Mary Robinson—to the Committee on Invalid Pensions.

By Mr. RYAN: Paper to accompany bill for relief of Warren A. Woodson—to the Committee on Pensions.

By Mr. SPARKMAN: Petition of the State Camp of the Florida Patriotic Order Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

## SENATE.

THURSDAY, May 31, 1906.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Tuesday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with. The VICE-PRESIDENT. The Journal stands approved.

### PETITIONS AND MEMORIALS.

Mr. PLATT presented petitions of 43,226 women of the State of New York, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. GALLINGER presented sundry petitions of citizens of the District of Columbia, and a petition of the East Washington Heights Citizens' Association, of Washington, D. C., praying for the adoption of a certain amendment to the District of Columbia appropriation bill providing for the location of a public park in the eastern section of the District; which were referred to the Committee on the District of Columbia.

Mr. LODGE presented a petition of sundry citizens of Malden and Everett, in the State of Massachusetts, praying for an in-

vestigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. KEAN presented petitions of members of the public high schools of Vineland and Hoboken, in the State of New Jersey, praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

Mr. HANSBROUGH presented petitions of 1,659 women of the State of North Dakota, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. STONE presented petitions of 11,697 women of the State of Missouri, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented the memorial of Phoebe W. Couzins, of the State of Missouri, remonstrating against the removal of Hon. REED SMOOT, a Senator from the State of Utah, from the United States Senate; which was referred to the Committee on Privileges and Elections.

Mr. BURKETT presented a memorial of the Women's Home Missionary Society, of Hebron, Nebr., remonstrating against the transfer of the education of the Indians and Eskimos in Alaska from the Bureau of Education to the governor of that Territory; which was referred to the Committee on Territories.

Mr. CARMACK presented petitions of 4,158 women of the State of Tennessee, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. SCOTT presented a petition of the West Virginia Wholesale Grocers' Association, praying for the passage of the so-called "pure-food bill," and also for the repeal of the present bankruptcy law; which was referred to the Committee on the Judiciary.

Mr. MCUMBER presented a petition of the Produce Merchants' Association of Portland, Oreg., praying for the enactment of legislation to abolish private car lines; which was referred to the Committee on Interstate Commerce.

Mr. DOLLIVER presented petitions of 15,572 women of the State of Iowa, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. TILLMAN. I present petitions of citizens of the State of South Carolina to the number of 964, mostly women, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah. I move that the petitions be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. RAYNER presented petitions of 2,176 women of the State of Maryland, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. PROCTOR presented petitions of 4,849 women of the State of Vermont, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. KITTREDGE presented petitions of 2,198 women of the State of South Dakota, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BERRY presented sundry papers to accompany the bill (S. 5651) for the relief of the estate of John Jones, deceased; which were referred to the Committee on Claims.

Mr. SPOONER presented petitions of 7,881 women of the State of Wisconsin, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. KNOX presented a petition of the Junior Union of the Oakland Baptist Church, of Pittsburg, Pa., and a petition of 44 citizens of Washington, Pa., praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented a petition of 204 citizens of Altoona, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings, grounds, and ships; which was referred to the Committee on Public Buildings and Grounds.

He also presented petitions of Val. D. Martin, of Philadelphia; Albert Jones, of Hoboken; Commandery No. 3, Patriotic Order Sons of America, of Philadelphia; Dr. J. C. M. Hamilton, of Beaver Falls; Camp No. 65, Patriotic Order Sons of America, of Lebanon, all in the State of Pennsylvania, praying for the restriction of immigration; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Philadelphia; E. W. Keech, of Nyaug; New Century Club, of Philadelphia; National League of Woman's Organizations, of Philadelphia; sundry citizens of Oil City; E. S. Naly, of Greensburg; Dr. J. W. Ellenberger, of Harrisburg; E. Chester Reynolds, of West Grove; Woman's Christian Temperance Union of Listonburg; Woman's Christian Temperance Union of Carbondale; sundry citizens of Altoona; Stowe Flexible Shaft Company, of West Philadelphia; Primes Chemical Company, of Philadelphia, and S. M. Love, of Rixford, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. CULLOM. I present memorials of 16,799 women of the State of Illinois, led by some of the largest women organizations in that State, making protest against a Mormon apostle in the United States Senate. I move that the memorials be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. HOPKINS presented petitions of sundry citizens of Chicago, Ill., praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which were referred to the Committee on Foreign Relations.

Mr. BAILEY presented petitions of 5,272 women of Texas, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. CARTER presented petitions of 890 women in the State of Montana, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

#### REPORTS OF COMMITTEES.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (S. 1254) granting an increase of pension to Caleb T. Bowen, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6141) granting an increase of pension to Ransom C. Russell; and

A bill (S. 6138) granting an increase of pension to Eliza P. Norton.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1254) granting an increase of pension to Orlando H. Langley;

A bill (S. 1422) granting an increase of pension to George L. Wakefield;

A bill (S. 2853) granting an increase of pension to Bridget Quinn;

A bill (H. R. 18627) granting an increase of pension to Elizabeth A. Anderson;

A bill (H. R. 18628) granting an increase of pension to William E. Chambers;

A bill (H. R. 18976) granting an increase of pension to Nelson S. Preston;

A bill (H. R. 18702) granting an increase of pension to Edward B. Prime;

A bill (H. R. 18447) granting an increase of pension to Elijah G. Gould;

A bill (H. R. 17388) granting an increase of pension to Patrick McCarthy;

A bill (H. R. 17390) granting an increase of pension to Mary Sheehan;

A bill (H. R. 17476) granting an increase of pension to Henry Ballard; and

A bill (H. R. 16918) granting a pension to Matilda J. Williams.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 6256) to authorize the Lake

Schutte Cemetery Corporation to convey lands heretofore granted to it, reported it without amendment, and submitted a report thereon.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (S. 4387) for the relief of Florence Lambert, reported it without amendment, and submitted a report thereon.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 19005) granting a pension to Gideon M. Burris;

A bill (H. R. 18730) granting an increase of pension to William C. Mahaffey;

A bill (H. R. 18887) granting an increase of pension to Alexander W. Carruth;

A bill (H. R. 18034) granting a pension to Mary A. Montgomery;

A bill (H. R. 18038) granting an increase of pension to Erasmus W. Briggs;

A bill (H. R. 18039) granting an increase of pension to John W. Stephens;

A bill (H. R. 18041) granting an increase of pension to William R. Hiner; and

A bill (H. R. 17934) granting an increase of pension to Thomas J. Byrd.

Mr. FRAZIER, from the Committee on Claims, to whom was referred the bill (S. 5660) for the relief of Capt. William N. Hughes, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER (for Mr. TALLAFERRO), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5447) granting an increase of pension to Oliver H. Hibben; and

A bill (S. 4047) granting an increase of pension to William Morehead.

Mr. McCUMBER (for Mr. TALLAFERRO), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 18539) granting an increase of pension to Angeline R. Lomax;

A bill (H. R. 18959) granting an increase of pension to Albert G. Packer;

A bill (H. R. 18966) granting a pension to John W. Ward;

A bill (H. R. 18696) granting an increase of pension to Louisa C. Gibson;

A bill (H. R. 18697) granting an increase of pension to Martha L. Beesley;

A bill (H. R. 18106) granting an increase of pension to Mary E. Patterson;

A bill (H. R. 18105) granting an increase of pension to John A. Lyle; and

A bill (H. R. 17466) granting an increase of pension to James P. Hall.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6067) to change the records of the War Department relative to Levi A. Meacham, reported it without amendment, and submitted a report thereon.

Mr. DOLLIVER, from the Committee on Education and Labor, to whom was referred the bill (H. R. 10501) to incorporate the National Education Association of the United States, reported it with an amendment, and submitted a report thereon.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1982) granting a pension to Ada Collins; and

A bill (H. R. 17678) granting an increase of pension to Alexander Moore.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 6167) to improve the channels along the New Jersey seacoast, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 18198) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes, to report it with amendments, and I submit a report thereon. I give notice that at an early day I shall call up the bill for consideration.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 92) author-

izing the Secretary of War to deliver to the Southern Historical Society certain unidentified battle flags, reported it without amendment, and submitted a report thereon.

#### GRANT OF LAND TO ALBUQUERQUE, N. MEX.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 18333) granting land to the city of Albuquerque for public purposes, to report it favorably without amendment, and I submit a report thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Mr. DICK introduced a bill (S. 6331) to amend section 490 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Patents.

He also introduced a bill (S. 6332) authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions and to State soldiers and sailors' orphans' homes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LODGE introduced a bill (S. 6333) authorizing the Secretary of War to acquire for fortification purposes certain tracts of land on Deer Island, in Boston Harbor, Massachusetts; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PETTUS introduced a bill (S. 6334) for the relief of the Mitsui Bussan Kaisha; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BERRY introduced a bill (S. 6335) for the relief of the heirs of James Downs and Christine Downs, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 6336) for the relief of the heirs of Silas Silver, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRAZIER introduced a bill (S. 6337) for the relief of the estate of George W. McGrew, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. RAYNER introduced a bill (S. 6338) to amend section 2 of an act entitled "An act to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HANSBROUGH introduced a bill (S. 6339) granting an increase of pension to James Dearey; which was read twice by its title, and referred to the Committee on Pensions.

#### AMENDMENT OF COPYRIGHT ACTS.

Mr. KITTREDGE introduced a bill (S. 6330) to amend and consolidate the acts respecting copyrights; which was read twice by its title, and referred to the Committee on Patents.

Mr. KITTREDGE. I ask that 2,000 additional copies of the bill be printed for the use of the Senate.

There being no objection, the order was reduced to writing, and agreed to, as follows:

*Ordered*, That 2,000 additional copies of the bill (S. 6330) to amend and consolidate the acts respecting copyrights be printed for the use of the Senate.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. PETTUS submitted an amendment proposing to appropriate \$600 to pay the steamer *Hikosan Maru* and \$948.27 to pay the steamer *Shirley* for damages, etc., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. LODGE submitted an amendment relative to the appointment by the Public Printer of a foreman of presswork, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

#### REPORT ON ALASKAN SCHOOLS, ETC.

Mr. GALLINGER. I offer a resolution for which I ask present consideration.

The resolution was read, as follows:

*Resolved*, That the President be, and hereby is, requested, if not incompatible with the public interest, to furnish the Senate with a copy of the report of the investigation made in 1905, under the direction of the Secretary of the Interior, by Special Agent Frank C. Churchill, regarding the condition of educational and school service and the management of reindeer service in the district of Alaska, together with all exhibits accompanying said report.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. NELSON. I should like to have the resolution read again.

The Secretary again read the resolution; and it was considered by unanimous consent, and agreed to.

#### PANAMA CANAL.

On motion of Mr. MILLARD, it was

*Ordered*, That 2,000 copies of part 2 of Senate Report No. 3626, Fifty-ninth Congress, first session, being the views of the minority of the Senate Committee on Inter-oceanic Canals, be printed and placed in the Senate document room.

#### INTRODUCTION OF ROUTINE BUSINESS.

Mr. LODGE. In accordance with the notice I gave day before yesterday, I call up the resolution to amend the rules.

Mr. GALLINGER. Let it be read.

The VICE-PRESIDENT. The resolution will be read.

Mr. LODGE. Let the amendment in the nature of a substitute be read. That is all that is necessary.

The SECRETARY. A resolution to amend Rule VII of the Senate rules. Strike out the remainder of the resolution after the word "following," in line 2, and substitute—

Mr. CULBERSON. I should be glad to have the entire resolution read as it would stand if amended.

The VICE-PRESIDENT. The Secretary will read the resolution as proposed to be amended.

The Secretary read as follows:

*Resolved*, That the rules of the Senate be amended by adding thereto the following:

"Senators having petitions, memorials, pension bills, bills for the payment of private claims or for the correction of naval or military records to present after the morning hour may deliver them to the Secretary of the Senate, indorsing upon them their name and the reference or disposition to be made thereof, and said petitions, memorials, and bills shall, with the approval of the presiding officer, be entered on the Journal with the names of the Senators presenting them as having been read twice and referred to the appropriate committees, and the Secretary of the Senate shall furnish a transcript of such entries to the Official Reporter of Debates for publication in the Record.

"It shall not be in order to interrupt a Senator having the floor for the purpose of introducing any memorial, petition, report of a committee, resolution, or bill. It shall be the duty of the Chair to enforce this rule without any point of order hereunder being made by a Senator."

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none, and the question is on agreeing to the amendment reported by the Committee on Rules.

Mr. CULBERSON. I have been unable to gather the full meaning of the resolution by hearing it read, and so far I have not been able to secure a copy of it. Is it to be merely optional with a Senator that he can introduce measures in this way or will there be after this time two ways by which bills, resolutions, etc., may be introduced?

Mr. LODGE. It permits a Senator after the morning hour to introduce pension bills, private claims bills, bills to amend military and naval records, and petitions, by merely handing them to the Secretary. It is permissive simply.

Mr. CULBERSON. It is merely permissive?

Mr. LODGE. Merely permissive.

Mr. CULBERSON. In addition to the present method?

Mr. LODGE. In addition to the present method.

Mr. BACON. And is limited to the particular class of matter specified?

Mr. LODGE. It is limited to the classes of routine business which are mentioned.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Rules, which has been read.

Mr. BURROWS. I ask that it be read again.

The VICE-PRESIDENT. The Secretary will again read the report from the Committee on Rules.

The Secretary read as follows:

*Resolved*, That the rules of the Senate be amended by adding thereto the following:

"Senators having petitions, memorials, pension bills, bills for the payment of private claims or for the correction of naval or military records to present after the morning hour may deliver them to the Secretary of the Senate, indorsing upon them their names and the reference or disposition to be made thereof, and said petitions, memorials, and bills shall, with the approval of the presiding officer, be entered on the Journal with the names of the Senators presenting them as having been read twice and referred to the appropriate committees, and the Secretary of the Senate shall furnish a transcript of such entries to the official reporter of debates for publication in the Record.

"It shall not be in order to interrupt a Senator having the floor, for the purpose of introducing any memorial, petition, report of a committee, resolution, or bill. It shall be the duty of the Chair to enforce this rule without any point of order hereunder being made by a Senator."

The VICE-PRESIDENT. The question is on agreeing to the

amendment of the Committee on Rules, inserting the matter which has been read, after the word "following," in line 2.

The amendment was agreed to.

The resolution as amended was agreed to.

#### AIDS TO NAVIGATION.

Mr. FRYE and Mr. KNOX addressed the Chair.

The VICE-PRESIDENT. The Senator from Maine. The Chair will recognize the Senator from Pennsylvania after the Senator from Maine.

Mr. FRYE. I rose to call up what is rather an important bill to dispose of at this time. I am obliged to leave on Monday next. It is the bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment. There is no need of reading it for the information of the Senate, because it is the ordinary omnibus bill for light-houses, light-ships, fog signals, etc.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

Mr. FRYE. I ask unanimous consent that the formal reading may be dispensed with, that the bill be read for amendment, and that the committee amendments shall first receive consideration.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Maine? The Chair hears none, and the Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

Mr. MONEY. I should like to inquire of the Senator from Maine if the bill contains any legislation?

Mr. FRYE. It does not.

The first amendment of the Committee on Commerce was, on page 2, after line 6, to insert:

A light-ship to be placed near the entrance to Buzzard's Bay, Massachusetts, to replace the one now known as the Hen and Chickens light-ship, at a cost not to exceed \$115,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 19, to insert:

d. Moving North Hook beacon light, at a cost not to exceed \$6,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 21, to insert:

e. A tank light vessel, at a cost not to exceed \$15,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 23, to insert:

f. A stone beacon with gas illuminant on Craven Shoal, at a cost not to exceed \$20,000.

The amendment was agreed to.

The next amendment was to insert at the top of page 3 the following:

g. Thirteen gas buoys in Ambrose channel and eleven buoys in the Gedney and Main Ship channel, at a total cost not to exceed \$43,200.

The amendment was agreed to.

The next amendment was, on page 3, after line 3, to insert:

h. Temporary structure to maintain West Bank light while light is being raised and temporary structure for North Hook beacon light while it is being moved, at a total cost not to exceed \$10,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 7, to insert:

A light-keeper's dwelling at Stonington Breakwater, Connecticut, at a cost not to exceed \$6,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 9, to insert:

A light and fog-signal station at or near Southwest Ledge, entrance to New London Harbor, Connecticut, at a cost not to exceed \$115,000: *Provided*, That the sum of \$60,000 appropriated by the act approved April 28, 1904, for establishing a light and fog-signal station at or near Black Ledge, entrance to New London Harbor, Connecticut, may be used to construct said light and fog-signal station at or near Southwest Ledge.

The amendment was agreed to.

The next amendment was, on page 3, after line 18, to insert:

A light and fog-signal station in New York Bay, at the entrance to the dredged channel at Greenville, city of Bayonne, N. J., at a cost not to exceed \$75,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 10, to insert:

A light and fog-signal station on Horseshoe Shoal, Delaware River, at a cost not to exceed \$75,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 13, to insert:

A light and fog-signal station on Joe Flogger Shoal, Delaware River, at a cost not to exceed \$75,000.

The amendment was agreed to.

The next amendment was, on page 5, line 7, before the word "thousand," to strike out "thirty-five" and insert "forty;"

and in line 8, before the word "thousand," to strike out "twenty-five" and insert "thirty;" so as to make the clause read:

The limit of cost of tender for inspector, heretofore authorized, is hereby increased by the sum of \$10,000, so as to make the total limit of cost \$140,000 instead of \$130,000, as heretofore authorized.

The amendment was agreed to.

The next amendment was, on page 6, after line 15, to insert:

For removing the Superior pierhead range lights, Wisconsin, from the south pier to the north pier, Duluth Harbor, Lake Superior, Wisconsin, \$28,000.

Mr. FRYE. In lieu of the committee amendment, I move to insert:

For establishing the Superior pierhead range lights on the south pier, Duluth Harbor, Lake Superior, Wisconsin, at a cost not to exceed \$28,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 7, after line 6, to insert:

A steam tender for the use of the light-house inspector of the twelfth light-house district, at a cost not to exceed \$150,000.

Mr. FRYE. On page 7, line 7, I move to strike out "light-house inspector" and insert "engineer service."

The SECRETARY. In the proposed amendment, page 7, line 7, strike out the words "light-house inspector" and insert "engineer service;" so as to read:

A steam tender for the use of the engineer service of the twelfth light-house district, at a cost not to exceed \$150,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 7, after line 9, to insert:

A light and fog-signal station on Red Rock, upper part of San Francisco Bay, California, at a cost not to exceed \$30,000.

Mr. FRYE. I ask the Senate to disagree to that amendment and insert what I send to the desk.

The VICE-PRESIDENT. If there be no objection, the amendment of the committee will be disagreed to.

Mr. FRYE. Instead of the amendment on page 7, lines 10, 11, and 12, I move to insert:

A light and fog-signal station on a point on Karquinez Strait, California, opposite that now occupied by the Selby Smelting Works, at a cost not to exceed \$50,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 12, to insert:

A steam tender for the Light-House Service in Hawaiian and Pacific Island waters, at a cost not to exceed \$150,000.

The amendment was agreed to.

The SECRETARY. On page 8, after line 5—

Mr. BACON. Mr. President, I do not like to be disagreeable, but it does strike me that this is not exactly the proper way in which we should consider this bill. It practically amounts to the bill being considered and passed by the committee. The Senate certainly has no opportunity to know anything about the bill.

Mr. FRYE. Will the Senator please allow me one minute?

Mr. BACON. I will, with pleasure.

Mr. FRYE. There is not an amendment in the bill which has not already passed the Senate. The Senate passed about twenty-five or thirty of these bills, and when the pending bill came from the House of Representatives, the Committee on Commerce selected about half of those that were the most meritorious, those that certainly should be passed now, and offered them as amendments to this bill; and the Chief of the Light-House Board approved that selection. So all these items have passed the Senate before.

Mr. BACON. The latter part of the Senator's statement is something that I do not recognize the correctness of. It is something we hear frequently in the Senate. When any question is raised as to the propriety of any proposed legislation, we are referred to what meets with the approval or disapproval of some executive officer. I do not think that that is the proper criterion by which we should be guided as to whether or not a law should be passed or an appropriation made.

I make that remark generally, not particularly as to this measure, except so far as it may be properly included within the general objection. I do think, however, that it is a matter worthy of the attention not only of the Senate, but of Congress. We are drifting too much into the habit of legislating according to the wishes of the executive department. When I say the executive department I do not mean the President any more than I mean the lowest officer of the executive department.

But that is aside from what I was about to say. The Senator by his interruption to some extent anticipates the matter upon which I intended to say a word, that I thought some explanation was due to the Senate from the chairman of the committee as to these items. The Senator now makes the explanation, but in the absence of the performance of this very

unpleasant duty by me we would not have had the explanation that these amendments are representative of the former action of the Senate in the passage of bills. That of course is an important piece of information for us, and relieves the matter of much of the ground of criticism that I made on the action of the Senate. With that information now given to the Senate I am content. I only regret that it was not given before objection was made by me.

But, Mr. President, this bill has never been read to the Senate. I am speaking now generally as to the propriety of certain methods of procedure in legislation. It seems to me that especially in matters of appropriations, where the large body of the Senate have not the opportunity to be informed and must rely largely upon committees, we should have the information given in the Senate by the committee, and we should no more legislate simply upon the judgment of a committee without explanation from the committee than Congress should legislate according to the wish or desire or the objection of executive officers.

Mr. President, I hope I may have the attention of the Senator from Maine. I will suspend until Senators cease conversing with him.

The VICE-PRESIDENT. The Senator from Georgia will kindly suspend. The Chair must appeal to Senators to refrain from interfering by audible conversation with the Senator occupying the floor.

Mr. BACON. I wanted to have the attention of the Senator from Maine. I was proceeding to say that I think when a bill is presented to the Senate we should proceed with some degree of orderly method to have the bill read and that the Senate should be informed of the propriety of the proposed legislation, and especially of a proposed appropriation, in order that we may have the benefit of the information upon which the committees act, and that we should not proceed without any information whatever to the passage of a bill, as we were proceeding in this case, without any Senator knowing the important fact, which has since been stated by the chairman of the committee, that these matters had previously been considered by the Senate in separate bills.

That is an important matter for us to know, and relieves us of much of the ground of the objection. But the time when I made the objection not only were we proceeding without the bill ever having been read, and without the important information which has since been given, but with important amendments being offered by the chairman, which have not been in print, which we could not hear from the desk, and had no opportunity to judge of whatever.

Mr. LODGE. Mr. President—

Mr. BACON. It is extremely unpleasant to say it, but I think we ought to proceed in a different manner in these important matters of legislation.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. If the Senator wishes to ask me a question.

Mr. LODGE. I wish to ask a question of the Senator from Maine, not the Senator from Georgia.

Mr. BACON. The Senator will pardon me, if that is what he wishes to ask. Does the Senator wish to ask it in my time?

Mr. LODGE. No; I will wait until the Senator has concluded.

Mr. BACON. I have not quite concluded what I have to say. I note two sections in this bill, aside from the matters of amendment, which carry more than a million dollars, and the entire bill carries about \$3,000,000, as to the necessity and propriety of which expenditures no Senator here can possibly know anything, and as to the necessity and propriety of which they must rely entirely and exclusively upon the view of the committee, and unfortunately also upon the view of some executive officer. I understood the Senator from Mississippi [Mr. MONEY] to inquire of the Senator from Maine whether there are any matters of legislation in the bill. I may have misunderstood the Senator from Maine, because there was great confusion in the Chamber at the time, but I understood him to say there was not. Yet I find on pages 8 and 9, sections 2 and 3, what appear to me to be quite important matters of legislation, especially section 3, which is more general than section 2.

But I will not anticipate the Senator. I simply desire to express the hope that when we get to that point we will have the opportunity of getting an explanation from the Senator as to the necessity and propriety of this proposed legislation. But I do think, Mr. President, that not only as to this bill, but as to other bills of importance, this habit should not prevail of asking unanimous consent that the reading of the bill may be dispensed with, and that we then proceed in this hop, skip, and jump manner to take up amendments which we have had

no opportunity to judge of whatever, and have the simple announcement made by the Chair in correspondence to the wish of the committee that the amendment is agreed to.

I think, Mr. President, we should pursue a different plan. We certainly have time at least to have the bill read in the hearing of the Senate; and while of course we all of us have a right and the opportunity to enforce that by an objection, at the same time we ought not to be put in the position of having to make an objection. There is ample time, it seems to me, for the consideration of these matters in an orderly manner without any undue consumption of time.

Mr. LODGE. Mr. President, I had supposed that the bill was being read when the Senator from Georgia stopped it. But the question I wanted to ask the Senator from Maine is whether it is not true that every amendment proposed by the Senate to this bill represents a bill which was urged upon the Committee on Commerce by the Senators representing the State or region, and which passed the Senate after due report?

Mr. FRYE. Yes; and about a dozen more.

Mr. BACON. The Senator from Maine had already stated the fact which the Senator from Massachusetts now inquires of him about.

Mr. LODGE. I desired to have it made as emphatic as possible, because it seems to me that we might as well abolish the Committee on Commerce if the Senate supposes that those of us who live in a distant part of the country—for instance, in New England—are expected to pass on the need of a light-ship on the coast of Oregon. We must trust to the committee to deal with those questions scattered all over the country. We can not undertake to pass on light-ships on the Lakes, in one part of the country, and a light-house somewhere else in another part of the country. They have to be presented to a committee, and the Committee on Commerce have done it, as they do all work, with the utmost thoroughness.

Mr. BACON. In reply to the criticism of the Senator from Massachusetts—I do not know whether the Senator heard what I had previously said or not, because there was great confusion in the Chamber at the time—I will say that the information which the chairman gave, after the suggestion made by me and about which the Senator from Massachusetts now makes inquiry, was stated by me to be important information which we theretofore had not had, and which was satisfactory information.

Mr. LODGE. I asked the question because from what the Senator from Georgia was saying I gathered that he had not heard the reply of the Senator from Maine.

Mr. BACON. No; by no means. On the contrary, I had said that the Senator from Maine had now made a statement which was satisfactory, and which I regretted we had not had in the beginning. But the Senator from Massachusetts still insists upon emphasizing, as he says, what I had already sufficiently recognized as a proper course on the part of the Senator from Maine. I only desire that we shall proceed in an orderly method in the passage of bills, and that Senators may have information which may guide them in voting on the same, and especially in voting on appropriation bills.

Mr. SPOONER. I ask that the amendment moved by the chairman of the Committee on Commerce relative to the Superior pierhead range lights be again stated.

The VICE-PRESIDENT. The amendment will be again stated.

The SECRETARY. Under the head of "Eleventh light-house district," on page 6, after line 15, the committee reported to insert:

For removing the Superior pierhead range lights, Wisconsin, from the south pier to the north pier, Duluth Harbor, Lake Superior, Wisconsin, \$28,000.

That is now amended by substituting the following:

Establishing the Superior pierhead range light on the south pier, Duluth Harbor, Lake Superior, Wisconsin, at a cost not to exceed \$28,000.

Mr. SPOONER. I move to insert the word "For" before the word "establishing."

The amendment was agreed to.

Mr. FRYE. Mr. President, the Committee on Commerce made a report on this bill, giving the reasons for every amendment contained in it. I have been in the Senate for some time, and I have learned that it is much easier to get a bill through the Senate without opening up a discussion when no discussion is needed, simply for talk's sake, and I undertake always, with as little talk as possible, to pass through the Senate any bills which are reported from the Senate Committee on Commerce. I could have explained, as a matter of course, each one of those items if it had been necessary, but it was not necessary, because the Senate had already passed upon the whole of them. There is a

report from the Committee on Commerce, which I shall ask to have printed in the RECORD.

Mr. BACON. That is an important fact to state to the Senate—that the Senate had already passed upon these matters.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Texas?

Mr. FRYE. Certainly.

Mr. CULBERSON. For a question merely. I desire to ask if the Senator from Maine is informed—I have not had the opportunity of reading the report—as to how much this appropriation is increased over the House bill? I make it \$1,183,000.

Mr. FRYE. The House bill appropriated \$1,313,500. The House included in the bill items aggregating \$329,000, included in bills which had been passed by the Senate, but did not include items aggregating \$1,736,000, which had been appropriated in bills passed by the Senate. The total increase by the Senate committee has been \$1,083,200; and the total amount of the bill is \$2,819,200.

Mr. CULBERSON. I have not had the benefit of the report, but I ran over the figures here rapidly, and running them up I estimate that the Senate has increased the amount \$1,183,000.

Mr. FRYE. The House bill, as I have stated, aggregated \$1,313,500, and the Senate has increased that amount by \$1,083,200, so that the total is now \$2,819,200. Therefore the Senator is approximately correct in running up the figures.

Mr. TELLER. I should like to interrupt the Senator from Maine to ask why the committee did not include all the bills which the Senate passed?

Mr. FRYE. Because, in the opinion of the committee, the amount of \$2,819,200 was about as much as ought to be appropriated this year for these purposes.

Mr. TELLER. The Senate seems to have had a different opinion, judging from the number of bills they have passed. It seems to me the Senate, and not the committee, ought to determine what should be the amount appropriated.

Mr. President, I do not mean to find any fault with the amount appropriated or with the class of appropriations contained in the bill. I only want to say that I believe there are a great many places on our coasts where we have not light-houses, where they should be placed; but it seems to me that the committee should either have adhered to the House bill or inserted all the bills which the Senate has passed as amendments to this bill.

Mr. FRYE. The committee instructed its chairman to take those which appear as amendments to this bill.

The next amendment reported by the Committee on Commerce was, on page 8, after line 5, to insert:

A steel steam light vessel, equipped with the latest improved light and fog signals, to be anchored upon Swifsure Bank, off the entrance to Juan de Fuca Strait, at a point at or near 13 miles north, 74° west, magnetic, from Cape Flattery, Washington, at a cost not to exceed \$180,000.

Mr. FRYE. That is where the *Valencia* was wrecked a short time ago, with great loss of life.

The amendment was agreed to.

The next amendment was, on page 8, after line 11, to insert:

A light and fog-signal station on Cape Hinchinbrook, Hinchinbrook Island, Prince William Sound, Alaska, at a cost not to exceed \$75,000.

Mr. FRYE. I said to the Senator from Mississippi [Mr. MONEY] that there was no general legislation in this bill. The legislation referred to by the Senator from Georgia [Mr. BACON] in section 2 simply provides for draftsmen for making charts of the light vessels which are included in this bill; and section 3 is simply to prevent anybody or any corporation from establishing lights on their own account, because, as a matter of course, none but United States lights appear on the charts, and great confusion is sometimes caused by private lights being raised the existence of which there is nothing on any chart to indicate.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Texas?

Mr. FRYE. I do.

Mr. CULBERSON. I call the attention of the Senator from Maine to the fact that section 3 prohibits municipalities, cities, and towns from erecting lights.

Mr. FRYE. Yes.

Mr. CULBERSON. That is general legislation, or it is additional legislation to that now on the statute books.

Mr. FRYE. Yes; it is legislation, but not general legislation. It is limited to the light-house business. It would not do to have a municipality, a corporation, or a private individual putting up lights. It would be misleading. It would lead ships into danger instead of keeping them in safety.

The VICE-PRESIDENT. The question is on the amendment reported by the committee, which has been stated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. FRYE. I ask that the report of the committee may be printed in the RECORD.

The VICE-PRESIDENT. Without objection, that order will be made.

The report referred to is as follows:

[Senate Report No. 3810, Fifty-ninth Congress, first session.]

The Committee on Commerce, to whom was referred the bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment, having considered the same, report it with an amendment, and as amended recommend its passage.

The bill as it came from the House authorized work to the amount of \$1,313,500. Of this amount items aggregating \$329,000 had been included in Senate bills which had passed the Senate, but received no action in the House. The aggregate of bills which have passed the Senate and were not included in the House bill is \$1,736,000. Your committee has selected from these the following items, for which there seemed to be pressing necessity:

Light-ship, Buzzards Bay, Massachusetts	\$115,000
Keeper's dwelling, Stonington Breakwater, Connecticut	6,000
Light and fog signal, New London Harbor, Connecticut	55,000
Light and fog signal, Greenville, N. J.	75,000
Light and fog signal, Horseshoe Shoal, Delaware River	75,000
Light and fog signal, Joe Flogger Shoal, Delaware River	75,000
Ambrose channel, New York Harbor	94,200
Light and fog signal, Red Rock, San Francisco Bay	30,000
Tender for light-house inspector, California	150,000
Light vessel, Juan de Fuca Strait, Washington	150,000
Light-house tender, Hawaiian and Pacific Islands	150,000
Light and fog signal, Cape Hinchinbrook, Alaska	75,000
Removing pierhead lights, Superior, Wis.	28,000
Increased limit of cost, tender sixth district	5,000

Making a total increase of 1,083,200  
And a grand total, as reported to the Senate 2,819,200

The limit of cost of the light-ship at Buzzards Bay, Massachusetts, is increased from \$90,000 in the Senate bill to \$115,000, as the committee is assured by the Light-House Board that the increased cost of materials and labor necessitates the change. For the same reason the limit of cost of the tender for the light-house inspector of the twelfth district is increased from \$130,000 to \$150,000.

The apparent increase of \$5,000 in limit of cost of tender for inspector in the sixth district over the amount named in the House bill is to correct typographical errors.

Following are extracts from Senate reports on the Senate bills covering items inserted in the bill under consideration by your committee:

#### NEW LIGHT-SHIP AT ENTRANCE TO BUZZARDS BAY, MASSACHUSETTS.

Following is an extract from the Annual Report of the Light-House Board for 1905:

"*Hen and Chickens light vessel, No. 2, entrance to Buzzards Bay, Massachusetts.*—This wooden ship was built in 1849; she is of about 120 tons burden, new measurement, and has a bell for a fog signal. On September 20, 1904, she was relieved by light vessel No. 9 and brought into New Bedford, where she was repaired. She resumed her station on October 3, when relief light vessel No. 9 was withdrawn. On February 23, 1905, she was dragged by ice about a half mile from her station, but was replaced by the tender *Azalea* on the following day. During the year she received needed fittings, supplies, and repairs.

"The following is a copy of a letter, dated February 20, 1905, from the Secretary of Commerce and Labor to the House Committee on Interstate and Foreign Commerce:

"This Department has the honor to acknowledge the receipt of a letter of February 14, 1905, from your committee, inclosing a copy of H. R. No. 18966, 'To construct and place a new light-ship at the entrance of Buzzards Bay, Massachusetts, to replace the one now known as the *Hen and Chickens* light-ship,' on which suggestions are asked touching the merits of the bill and the propriety of its passage.

"In reply this Department begs leave to state that the Light-House Board, to which the matter was referred for examination and report, states that the present light vessel at that station is small and old and is practically incapable of being fitted with the boiler and machinery needed to operate a steam fog signal.

"This Department states that the Board recommends the passage of the bill in question, but suggests, and in that suggestion this Department concurs, that \$90,000 is sufficient with which to build a new light vessel, with the modern improvements, including a steam fog signal."

#### KEEPER'S DWELLING AT STONINGTON BREAKWATER, CONNECTICUT.

The following is an extract from the Annual Report of the Light-House Board for 1905:

"*Stonington Breakwater, Connecticut.*—The following recommendation made in the Board's last three annual reports is renewed:

"The following is a copy of a letter dated December 7, 1901, from the Secretary of the Treasury to the Speaker of the House of Representatives:

"This Department has the honor to state, at the instance of the Light-House Board, that a recent inspection of the Stonington Breakwater, Connecticut, light station has shown that its keeper's dwelling is in a condition so unhealthful as to menace the lives of its occupants, there having been more or less sickness in every family residing therein during the past twenty years. The house is very old, no work has been done on it for a long time, it is past economical repair, and it is in such a condition of deterioration as to make it almost uninhabitable. The Board at its session on November 4, 1901, considered the question of remedying this insanitary condition, and concluded that the dwelling is past economical repair and that the erection of a small modern dwelling for the keeper is therefore an urgent necessity. It is estimated that such a dwelling can be built for a cost not exceeding \$6,000.

"This Department concurs with the Light-House Board as to the necessity for providing this keeper's dwelling at the Stonington Break-

water, Connecticut, light station, and recommends that an appropriation of \$6,000 be made therefor."

**LIGHT AND FOG-SIGNAL STATION, NEW LONDON HARBOR.**

The item has the approval of the Commerce and Labor Department, as will appear by the following letter, the amendment suggested therein being required to the title only:

DEPARTMENT OF COMMERCE AND LABOR,  
OFFICE OF THE SECRETARY,  
Washington, January 12, 1906.

SIR: Referring to the committee's letter of January 7, 1906, inclosing for the consideration of this Department and for report thereon a copy of Senate bill No. 2771, "to establish a light and fog-signal station on Southwest Ledge, entrance to New London Harbor, Connecticut," I have the honor to invite your attention to the following statement, made on page 49 of the Annual Report of the Light-House Board for 1905, wherein authority is asked to establish a light and fog-signal station on Southwest Ledge, Connecticut, instead of on Black Ledge, as previously authorized, and permission is asked to use the \$60,000 appropriated for a light-house on Black Ledge with an additional \$55,000 for the construction of a light and fog-signal station on Southwest Ledge, Long Island Sound, Connecticut:

"Black Ledge light and fog-signal station, Connecticut.—The act approved on April 28, 1904, appropriated \$60,000 for establishing a light and fog signal at or near Black Ledge entrance to New London Harbor, Connecticut. The proper location for this station is on Southwest Ledge, about one-fourth mile west of Black Ledge. A light and fog signal on Black Ledge would still leave Southwest Ledge and Frank Ledge as dangerous obstructions, while with the light and fog signal on Southwest Ledge the channel to the westward leading into New London Harbor would be free and unobstructed. The estimate of \$60,000 was for the Black Ledge site, and to change the site to Southwest Ledge will necessitate an increase of \$55,000 in the above figures on account of the difficult foundation. As there might be some question as to whether the term 'at or near' in the original act would permit of occupying a site one-fourth of a mile away and having a distinctive name of its own, the Board recommends that it be authorized to use the \$60,000 appropriated for building a light-house and fog signal at Black Rock toward building a light-house and fog signal at or near Southwest Ledge, and it also recommends that in addition thereto a further appropriation of \$55,000 be made for this purpose and that the Board be authorized to expend not exceeding \$115,000 in the establishment of a light and fog signal at or near Southwest Ledge."

This appropriation is also recommended on page 202 of the current Book of Estimates.

These views of the Light-House Board meet with the approval of this Department, and it is therefore recommended that this bill be passed, after it is so amended as to provide for the establishment of the light and fog-signal station "at or near" Southwest Ledge, Connecticut, instead of "on" Southwest Ledge, as stated in the bill.

Respectfully,

V. H. METCALF, Secretary.

The CHAIRMAN OF THE COMMITTEE ON COMMERCE,  
United States Senate.

**LIGHT AND FOG SIGNAL IN NEW YORK BAY, NEAR GREENVILLE, N. J.**

The item has the approval of the Department of Commerce and Labor, as will appear by the following letter of the Secretary in reference to a House bill identical in terms:

DEPARTMENT OF COMMERCE AND LABOR,  
OFFICE OF THE SECRETARY,  
Washington, March 13, 1906.

CHAIRMAN COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,  
House of Representatives.

SIR: This Department has the honor to acknowledge the receipt of the committee's letter of March 7, 1906, inclosing, for consideration and report thereon, a copy of H. R. 16127, "To establish a light and fog signal in New York Bay at the entrance to the dredged channel at Greenville, N. J.," at a cost not to exceed \$75,000 in all.

In reply this Department begs to state that the docks in the vicinity of the channel dredged off Greenville, N. J., are used for the transfer of freight from New England and Long Island points. They are also used in the lighterage delivery for exporting steel products, the total movement now amounting to about 150 tows daily. A stake boat has been moored here by private parties to mark the entrance to the dredged cut, but it is stated that it is found to be difficult, if not almost impossible, to maintain it in position, and consequently it does not afford the desired protection. The amount named in the bill seems to be sufficient for the purpose indicated.

For these reasons the Light-House Board recommends, and in that recommendation this Department concurs, the passage of the bill in question.

Respectfully,

V. H. METCALF, Secretary.

**LIGHTS, HORSESHOE AND JOE FLOGGER SHOALS, DELAWARE RIVER.**

Following is an extract from the last annual report of the Light-House Board:

"The Board now, after further but not exhaustive study of the subject, recommends that specified aids to navigation be authorized at the following-named places, in the order named, and appropriations be made for the establishment of them on the basis of the amounts set opposite to each name, viz:

Light-house and fog signal on Brown Shoal.....	\$80,000
Light-house and fog signal on Miah Maul Shoal.....	75,000
Light-house and fog signal on Elbow of Cross Ledge.....	75,000
Light-house and fog signal on Joe Flogger Shoal.....	75,000
Light-house and fog signal on Arnolds Point Shoal.....	85,000
Light-house and fog signal on Goose Island Flats.....	85,000
Range lights on Old Mans Point.....	40,000
Range lights on Seventeen-Foot Knoll and Marcus Hook.....	70,000
Light-house and fog signal on Horseshoe Shoal.....	50,000

Total..... 635,000

The two items inserted by the Senate committee were especially urged by the Philadelphia Maritime Exchange through its secretary.

**REMOVING PIERHEAD LIGHTS, SUPERIOR, WIS.**

This item was recommended by the Light-House Board as of pressing necessity. Following is an extract from their annual report:

"It is proposed that the lights of this range be changed from the south pier to the north pier, as the light-house depot is to be located

on the south end of Minnesota Point, which is on the north side of Superior entry. It is estimated that the cost of moving and reestablishing this range will be as follows:

Rebuilding front and rear structures.....	\$11,500
Two fourth-order flash lenses.....	1,600
Rebuilding fog-signal house and repairing and installing machinery.....	5,500
Contingencies.....	1,400

20,000

Transferring light to north pier to be added for keepers' double dwelling and oil house..... 8,000

Total..... 28,000

"The Board recommends that an appropriation of \$28,000 be made therefor."

The following is a copy of a letter, dated December 10, 1904, from the Secretary of Commerce and Labor to the Secretary of the Treasury: "The lights on the docks and in the streets of the town of East Superior, Douglas County, Wis., back of Superior Entrance, are confusing to mariners. Some change is needed which will render the range lights of the harbor more conspicuous and more easily distinguished by vessels desiring to enter from Lake Superior."

"The War Department, in the progress of river and harbor improvements, is now engaged in building a concrete pier to the south of the old timber pier upon which the fog signal and range lights now stand. After the construction of the concrete pier it is proposed to remove the crib pier, and this will of itself compel the removal of the present structures."

"It is proposed to replace the present lights with two fixed fourth-order white lights varied by flashes, which will overcome the objection to the present lights."

"It is estimated that it will cost \$20,000 to reconstruct the range lights and fog-signal house on the permanent concrete pier now being built and for the changing of the lens apparatus of both beacons, and it is recommended by the Light-House Board, and in this recommendation this Department concurs, that an appropriation of this amount be made therefor."

**AMBROSE CHANNEL, NEW YORK HARBOR.**

The items inserted by the Senate committee were recommended by the Light-House Board as of urgent necessity in view of the approaching completion of this important channel.

**LIGHT-HOUSE, ETC., RED ROCK, SAN FRANCISCO BAY, CALIFORNIA.**

The following is a copy of a letter, dated December 24, 1904, from the Secretary of Commerce and Labor to the Senate Committee on Commerce:

"This Department has the honor to acknowledge the receipt of a letter, dated December 17, 1904, from your committee inclosing a copy of Senate bill 6182, 'To establish a light-house and fog signal on Red Rock, upper part of San Francisco Bay, California,' on which suggestions are asked touching the merits of the bill and the propriety of its passage."

"In reply this Department begs leave to state that the Light-House Board, to whom the matter was referred, reports that in its last annual report it recommended that an appropriation of \$30,000 be made for this purpose, and that it is still of opinion that this appropriation should be made. It is also recommended on page 255 of the Book of Estimates for 1906."

"The following is an extract from pages 158-159 of the Board's annual report for 1904:

"This rock is an island about 169 feet high and contains about 7½ acres. It stands near the eastern shore of the bay, 9½ miles above Market street, San Francisco, and is passed close to by vessels bound for Port Costa, Benicia, Mare Island, and the rivers emptying into Suisun Bay. It is believed that with the establishment of a light at Southampton Shoal, Red Rock would be a better place than Quarry Point for a light and fog signal. With this station vessels bound up the bay could make Southampton Shoal, giving Quarry Point, Angel Island, a wide berth, and from thence shape their course to Red Rock, on either side of which they could pass. This rock, or island, formerly known as Molate Island, is a military reservation, but does not enter into the adopted project for the defenses of San Francisco, and hence no difficulty is expected in obtaining authority to occupy it for light-house purposes. It is estimated that the cost of a light and fog-signal station at Red Rock will be \$30,000, and the Board recommends that an appropriation for that amount be made therefor."

"This Department concurs in the recommendation of the Light-House Board in this case."

**TENDER FOR TWELFTH LIGHT-HOUSE DISTRICT.**

Following is an extract from the Annual Report of the Light-House Board for 1905:

"New tender for the use of the light-house inspector.—The twelfth light-house district includes the whole coast line of California from Cape Orford to the Mexican line, including 56 light-houses, 3 light vessels, 107 buoys, and 30 fog signals. Owing to the extent of coast line and the increase of work required of the light-house tender *Madroño*, another tender is urgently needed for the use of the inspector. The work is now too much for one steamer. There will be an increase in the number of light stations, and also one new light vessel. The inspector is now unable to keep the work up to date, as it should be done. Buoys get adrift, and it is some time before they can be replaced. At several stations supplies are landed on the beach, and this can only be done when the weather is good. Often the tender is obliged to wait several days before she can make a landing, and sometimes she is obliged to leave the vicinity without landing, thus causing delay and making another trip or two necessary before her work is completed. Coaling the San Francisco light vessel is also uncertain work. This takes three or more days, not counting the time consumed in bagging coal and taking it on board the tender. Now that the light vessel for Blunts Reef is established, this adds to the duties of the tender, as the light vessel is stationed 195 miles from San Francisco, and the weather is always uncertain in that vicinity."

"Many inspectors have undergone severe experiences on their northern trips: arriving off St. George Reef light-house, lying there for days waiting opportunity to land, and leaving without landing, and also being unsuccessful in landing at Crescent City, as the conditions there are about as bad as at St. George Reef in rough weather. In the winter these northern trips are liable to be unsuccessful, and when so large expense is incurred without results. If a second tender were allowed, the inspector could keep her at Eureka in the winter and have her attend the northern part of the district, taking advantage of

good spells of weather to run out and do the work. This can not be done from San Francisco, as the northern stations are too remote. The inspector might leave San Francisco under the most favorable circumstances of weather and sea, but on reaching the northern light stations the conditions might be and probably would be different. The inspector could now keep two tenders at work almost constantly. And as more aids to navigation are being added an additional tender will before long be almost absolutely necessary. The light vessel now stationed off Cape Mendocino could be more readily supplied in winter by a tender from Eureka. The Light-House Board is of opinion that the light-houses, the light vessels, the fog signals, and the buoys in the twelfth light-house district can not be kept in proper condition—such condition as is required for the safety of commerce and navigation—without the aid of another light-house tender. It is estimated that such a tender can be provided for \$130,000, and the Board recommends that an appropriation of this amount be made therefor.

As stated heretofore a more recent recommendation of the Board calls for an increase of the above limit to \$150,000.

LIGHT-SHIP OFF ENTRANCE TO STRAITS OF JUAN DE FUCA.  
DEPARTMENT OF COMMERCE AND LABOR,  
OFFICE OF THE SECRETARY,  
Washington, May 5, 1906.

Sir: This Department has the honor to acknowledge the receipt of the committee's letter dated May 3, 1906, inclosing for consideration and report thereon a copy of Senate bill 6003, "To construct and place a steel light-ship on 'Forty-Fathom Bank,' so called, off the entrance to the Straits of Juan de Fuca."

This bill meets with the qualified approval of this Department, but it recommends that it be amended so as to stand as follows:

"A bill to construct and place a steel light vessel on Swiftsure Bank, so called, off the entrance to Juan de Fuca Strait.

"Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to have constructed and anchored upon Swiftsure Bank, off the entrance to Juan de Fuca Strait, at a point at or near 13 miles north, 74 degrees west, magnetic, from Cape Flattery, a steel steam light vessel equipped with the latest improved light and fog signals, at a cost not to exceed \$150,000."

Swiftsure Bank is better known under that name than under the name of Forty-Fathom Bank, and it is to be so noted on the Coast and Geodetic Survey charts. Juan de Fuca Strait is the proper and legal name for this strait, rather than the Straits of Juan de Fuca. The location of this light vessel at or near a point 13 miles north, 74° west, magnetic, from Cape Flattery, instead of 14 miles from Cape Flattery north, 60° west, magnetic, as provided in the bill, will, in the opinion of the Light-House Board, afford more protection to navigation than at the point named in the bill. The amount provided in the bill, \$175,000, is thought to be in excess of what it will cost to build such a light vessel, and \$150,000 is deemed to be sufficient for this purpose.

The Board further states that as it can use for this light vessel the plans recently completed for another vessel, no provision need be made in the appropriation bill, as is usual, for the employment of draftsmen to make her plans. But appropriation should be made for the full amount of the cost of the light vessel—\$150,000—as it is expected that she can be built within a year, or maybe ten months from the time the contract papers are signed.

Respectfully,

LAWRENCE O. MURRAY,  
Assistant Secretary.

The CHAIRMAN COMMITTEE ON COMMERCE,  
United States Senate.

On February 7, 1906, a commission, consisting of Lawrence O. Murray, Assistant Secretary of Commerce and Labor, Herbert Knox Smith, Deputy Commissioner of Corporations, and Capt. William T. Burwell, United States Navy, was appointed by the President to investigate the circumstances attending the wreck of the steamer *Valencia*, on the southwest coast of Vancouver Island, on January 22, 1906, when 136 persons perished.

This commission, after thorough examination, made its report to the President April 14, 1906, concluding with certain recommendations. The following extract relates to the establishing of a light-ship such as is provided for in the bill under consideration:

"(3) There should be established a light-ship to be anchored on the so-called 'Forty-Fathom Bank' off the entrance to the Straits, at a point about 14 miles from Cape Flattery, north 60° west, magnetic. The light should be of the first order, with corresponding fog signal."

The following statement, signed by two members of the commission, not having been presented to the third for lack of time, was received by the committee on the day of its date. It is an amplification of the reasons given in the printed report of the commission:

"As members of the Federal commission on the wreck of the *Valencia*, we strongly urge the establishment of a light-ship on the Swiftsure Bank (Forty-Fathom Bank) at the entrance of the Straits of Juan de Fuca and Puget Sound, for the following reasons:

"(1) *Conformation of the coast.*—It will be observed from the chart that all vessels approaching this entrance, whether coming from up the coast or from the Orient (except those coming down from the north) must head directly toward the shore of Vancouver Island until they get within from 12 to 25 miles thereof, and must then make a decided turn to the eastward to enter the straits. The entrance to the straits is 12 miles wide. It thus appears that substantially all vessels coming in here must correctly locate this 12-mile entrance and make this turn within a comparatively short space or else go ashore on Vancouver Island. The coast conformation, therefore, makes this spot one of peculiar danger.

"(2) *Currents.*—There exist in this locality varying currents of great force and generally little-known direction which constitute a peculiar danger to navigation. The so-called 'Davidson inshore current' is an occasional phenomenon running northward from 1 to 3 knots an hour along the coast of Oregon and Washington and the coast of Vancouver, its existence and force depending considerably upon the winds, and being peculiarly incalculable because it may be governed by winds far out at sea and totally different from the winds at the location where a given vessel may be. Sometimes this current disappears entirely, and even at times goes in an opposite direction.

"It is further complicated by the strong tides flowing in and out of the entrance of these straits where the rise and fall of the tide is about 8 feet. It was primarily due to a northward current of this sort that the *Valencia* went ashore. The log of the *Valencia* when she went ashore gave a distance run from San Francisco which would have

placed her at about opposite Cape Flattery, although she was actually 25 miles north of that point, due to this current, which the log, of course, could not register. Prof. George Davidson, of San Francisco, for whom this current is named, and who is probably one of the highest experts on Pacific coast currents, stated emphatically that he nevertheless knew very little about this current, and that its force and direction were largely unknown.

"(3) *Weather.*—This locality is peculiarly subject to fog and haze. Such conditions, sufficient practically to obscure the lights, obtain throughout at least half the year at different times.

"A further very peculiar fact, which bears strongly on the need of a light-ship on the Swiftsure Bank, was brought out in the investigation of the *Valencia* matter, as follows: It will be observed that at the jaws of the straits, so called, are the two lights, Cape Flattery on the south and Carmanah due north, 12 miles away on Vancouver. These are both powerful, first-order lights, visible, in clear weather, each 19 miles. The lenses of each are over 150 feet above the water. On the night of the wreck, it appears from the log book of Carmanah light and from the testimony of the light keepers on Cape Flattery, that from 4 o'clock Monday afternoon, long before the *Valencia* came up to the entrance, until 7 o'clock Tuesday morning, seven hours after she struck, there was absolutely no haze or fog in the vicinity of either of these two lights. Neither light had its fog signal going during this period, and each light was plainly visible to the other all that night; yet the *Valencia*, whose approximate course is shown on the chart submitted herewith, must have passed within 12 miles of both of these lights, well within the radius of each of them. Her officers were anxiously looking for the lights, and yet they got no view of either light.

"In other words, it is clear that while the only two lights which guard the entrance, Flattery and Carmanah, were in absolutely clear weather, there was an offshore bank of haze or fog sufficiently near shore to be in the normal course of a vessel and sufficiently offshore to be unseen by the keepers of these lights. This is a condition of affairs which actually occurred with the *Valencia* and which frequently occurs at various seasons of the year.

"Now, if there were a light-ship on the Swiftsure Bank approximately at the point indicated on the said chart, this light-ship would not only add another point of light to be seen by incoming vessels, but it would be sufficiently offshore to be in the region of haze and fog and under the same weather conditions as incoming vessels, so that if a vessel approaching this entrance were in a fog, the light-ship would also be in a fog and would be sounding her fog signal.

"In general, also, it is perfectly obvious from the coast formation that a light-ship at the point indicated would be in the strategic position of a signal which could be picked up by vessels coming from any possible direction—either from the Orient, from down the coast, or from up the coast of Vancouver—and thus the triangle formed by the three lights, Flattery, Carmanah, and Swiftsure Bank, would cover substantially among them the dangerous area at the entrance to the straits.

"In general, also, it should be further noted that there are few harbors on the Pacific coast as compared with the number on the Atlantic; that the great Pacific coast trade must necessarily, therefore, concentrate on two or three important entrances, and that this entrance to Puget Sound is the most important of all on that coast in the tonnage of traffic that goes through it, and that the Government would be justified in very considerable expenditure for the purpose of making this entrance as safe as may be.

"LAWRENCE O. MURRAY,  
"HERBERT KNOX SMITH,

"Members of Federal Commission on the wreck of the *Valencia*.

"MAY 9, 1906."

LIGHT-HOUSE SERVICE, HAWAIIAN AND PACIFIC WATERS.

Following is an extract from the Annual Report of the Light-House Board for 1905:

"*Tender for Hawaiian and the Pacific island waters.*—When the Light-House Board by Executive order was charged with the care and maintenance of the Hawaiian light-house establishment it placed its aids to navigation within the limits of the twelfth light-house district, which is the nearest light-house district, and under the charge of the inspector and engineer of the twelfth light-house district, at San Francisco, Cal. As these officers are stationed some 2,000 miles from Hawaii, an officer of the Navy was assigned to duty as assistant to the inspector of the twelfth light-house district, with headquarters at Honolulu, and an officer of the Corps of Engineers, United States Army, was assigned to act as assistant to the engineer of the twelfth light-house district, also with quarters at Honolulu, and on them devolved, under their superior officers, the maintenance and repair of the old Hawaiian aids to navigation and the construction of such new ones as might be ordered.

"The naval officer assigned to aid the light-house inspector happened to be the officer in command of the U. S. S. *Iroquois*; hence he had an opportunity, when his naval duties would permit, to visit the Hawaiian aids to navigation in the *Iroquois*. The engineer officer in charge of the construction and repair of these aids to navigation has no means of conveyance, other than those open to the general public, to visit the lights under his charge; and as those means are inadequate, it is difficult and expensive for those officers to do the work assigned to them. There is no vessel belonging to the Light-House Establishment stationed at Honolulu. It is not possible to send the one light-house tender assigned to the twelfth light-house district to do the work in Hawaiian waters, as she is now not quite able to keep the immense light-house work on the California coast up to a proper state of efficiency. The U. S. S. *Iroquois* has been used, by permission of the Navy Department, to take the assistant to the inspector on his tours of inspection. This vessel is not fitted for buoy work, nor has she enough storage capacity for carrying stores to the different stations. It is now necessary to make many changes in lights and buoys, and a light-house tender is needed to carry material and workmen to the sites where the material is to be used.

"The assistant to the inspector has been obliged, when traveling to a station by coasting vessels, to return from each station to Honolulu to start for the next station. This causes expense and delay, for coasting steamers will not go out of their prescribed routes of travel to enable the inspector to place or remove buoys. At present he is obliged to use makeshifts for all the work he is doing in Hawaiian buoyage. The services of the *Iroquois* can not always be had when required. It is necessary to have the use of a vessel directly under the Light-House Establishment, without having to consult the wishes of another Department of the Government, to do buoy work with the promptness that is requisite for the safety of commerce and navigation. One of the first requisites of the light-house service of the Hawaiian Islands is a

steam light-house tender with which to establish and care for the numerous floating aids to navigation that the commerce of the islands demands, and also to transport the materials and supplies necessary to the construction and maintenance of such of these aids as are located on land.

"Since the foregoing was written the President has, through the Department of Commerce and Labor, placed the aids to navigation in the Midway Islands and the American Samoan Islands under the charge of the Light-House Board. These islands are hundreds of miles from each other and thousands of miles from the light-house inspector and light-house engineer who have charge of them and are stationed at San Francisco, Cal. The Board is now without any means of its own for communicating with these islands, and on this account more urgently asks that provision be made for building a light-house tender with which to perform these new duties recently devolved upon it by Executive order. It is estimated that a suitable steam tender can be built for \$150,000, and the Light-House Board recommends that an appropriation of that amount be made therefor."

#### LIGHT-HOUSE, ETC., CAPE HINCHINBROOK, ALASKA.

The item has the approval of the Commerce and Labor Department, as will appear by the letters of the Secretary, which are annexed, together with other correspondence relating to the matter.

The following statement of facts submitted to the committee sufficiently indicate the necessity of the proposed aids to navigation:

"Except for the Sitka Harbor beacon, which is partially obscured by Kruszof Island, lying to the northwest of the harbor, there are no lights of any description visible from the open sea along the entire line of coast from the international boundary to Unimak Pass, in the Aleutian Islands, and none beyond that point. In Unimak Pass are two lights—on Scotch Cap and on Cape Sarichef.

"Cape Hinchinbrook, on Hinchinbrook Island, lying across the mouth of Prince William Sound, in the northwesterly part of the Gulf of Alaska, is, with the possible exception of Middleton Island, some distance out to sea, the first land sighted by vessels making the 'outside' run from San Francisco and Seattle to Valdez and other points on the sound.

"The ocean traffic past this cape is now very large and is constantly increasing. All boats following the inside passage from Seattle to the west leave the Alexander Archipelago at Sitka or through Cross Sound and run along the coast past Ocean Cape and Cape St. Elias, entering Prince William Sound by Cape Hinchinbrook, as do the direct boats. There are six or more large steamers in the regular Valdez service. The merchandise carried is consigned not only to Valdez, Ellamar, and other settlements reached directly by these steamers, but to Latouche Island, Seward—the new railroad town on Resurrection Bay—Kodiak, and ports to the south as far as Dutch Harbor. Shipments to points on Cook Inlet are also made by way of Valdez, which is an important junction point.

"All this traffic is through Hinchinbrook channel, a narrow pass not more than 5 miles in width, with a precipitous headland on one side and a dangerous group of rocks—the Seal Rocks—on the other. This channel is literally the key to the entire commerce of the Gulf of Alaska.

"Some point on Prince William Sound will undoubtedly be made the terminus shortly of a trans-Alaskan railroad. Two such railroads are now projected and under construction from Valdez and another has been surveyed from the upper end of Cordova Bay, an arm of the sound.

"Furthermore, Valdez, the terminus of the military trail across Alaska, is the dispatch point during the winter months for all mail to the interior, to Nome, St. Michael, Tanana, Fairbanks, Eagle, and other settlements west of Circle. Four thousand four hundred pounds will be sent in from Valdez each month during the present season, in addition to mail intended for Valdez and the other towns served throughout the year.

"Prince William Sound is open and free from ice during all months of the year. There is no possibility that a light-house and fog signal once established at Cape Hinchinbrook will become useless by reason of a falling off in traffic past that point, and the great increase in such traffic, inevitable because of extensive mining and railroad operations in the region tributary to Valdez, and even now apparent, makes the establishment of Hinchinbrook light an urgent necessity."

#### DEPARTMENT OF COMMERCE AND LABOR, OFFICE OF THE SECRETARY, Washington, February 1, 1906.

SIR: Referring to the committee's letter of January 10, 1906, inclosing, for the consideration of this Department and for report thereon, a copy of Senate bill No. 2703, to establish a light-house and fog signal on Cape Hinchinbrook, Hinchinbrook Island, Prince William Sound, in the district of Alaska, I have the honor to state that upon investigation by the Light-House Board it is found that the commerce entering Prince William Sound is already considerable, and is rapidly increasing with the development of the adjacent and interior country, and that a light station on this cape would be a desirable aid to navigation.

In view of this report of the Light-House Board, this Department has the honor to recommend the passage of the bill in question.

Respectfully,

V. H. METCALF, Secretary.

THE CHAIRMAN OF THE COMMITTEE ON COMMERCE,  
United States Senate.

#### DEPARTMENT OF COMMERCE AND LABOR, OFFICE OF THE SECRETARY, Washington, December 26, 1905.

SIR: This Department has the honor to acknowledge the receipt of your letter of December 21, 1905, asking to be advised as to what reports have been received from the officers of the thirteenth light-house district upon the subject of a light and fog-signal station on Cape Hinchinbrook, near the entrance to Prince William Sound, Alaska, and also what amount the said district officers estimated as needed for its construction.

In reply I inclose herewith a copy of a report to the Light-House Board, dated May 26, 1902, from the inspector and the engineer of the thirteenth light-house district, and its inclosure, recommending that Cape Hinchinbrook be included in the list of proposed sites for light and fog-signal stations in Alaska, and estimating that the cost of the station would not be less than \$75,000.

In accordance with this joint report, the Light-House Board in its Annual Report for 1902 named Cape Hinchinbrook as one of the places where it was proposed to establish lights. Congress made several lump-sum appropriations for the erection of such of these light-houses

as the Board should deem of most importance; but, as the money thus appropriated has been practically expended in the establishment of these lights, the building of a station at Cape Hinchinbrook has been delayed.

The Board has great difficulty now in properly looking after Alaskan lights, as they are all included in the thirteenth light-house district, with headquarters at Portland, Oreg.

Respectfully,

V. H. METCALF, Secretary.

HON. HENRY E. BURNHAM,  
United States Senate.

#### LIGHT-HOUSE ESTABLISHMENT, OFFICE OF ENGINEER THIRTEENTH DISTRICT, Portland, Oreg., May 26, 1902.

SIRS: In compliance with Board's letter of May 5, 1902, No. 274, referring to establishment of light and fog signal on Cape Hinchinbrook, we have the honor to submit the following report:

Under date of July 9, 1901, report was submitted by us on establishment of a station in this same locality. In that report we stated as follows: "We would therefore recommend that when the commerce of Valdez increases to such an extent as to justify the expenditure, a light and fog-signal station be established as requested."

Later information seems to indicate that commerce to and from Valdez is growing, and that development of mines on Copper River is likely to receive a large impetus in the next few years.

It is therefore recommended that Cape Hinchinbrook be included in proposed sites for light and fog-signal stations in Alaska.

The equipment should comprise a 10-inch steam or air whistle, a second-order light visible for 15 miles, and accommodations for three keepers.

From the inclosed copy of letter from J. C. Downing, master U. S. Army transport *Seward*, it would seem that the physical characteristics of the site are not the most favorable for the purpose, and it is recommended that the station be built for men unaccompanied by families.

It is not safe to estimate the cost of such a station at less than \$75,000.

Respectfully, yours,

WM. P. DAY,  
Commander, United States Navy,  
Inspector Thirteenth Light-House District.  
W. C. LANGFITT,  
Captain, Corps of Engineers, United States Army,  
Engineer Thirteenth Light-House District.

THE LIGHT-HOUSE BOARD,  
Washington, D. C.

#### QUARTERMASTER'S OFFICE, UNITED STATES ARMY, Seattle, Wash., May 22, 1902.

SIR: Referring to your communication of May 19, in my judgment the contemplated light-house and fog signal should be built on Cape Hinchinbrook proper. The elevation is about 75 to 100 feet on the point, the land rising abruptly some 2,500 feet. There is practically no level land in the immediate vicinity. Anchorage can be obtained in smooth weather in 15 to 30 fathoms off the cape. Port Etches, 8 miles distant, is a safe harbor. A rock awash at low water lies about 2 miles east of the cape and 1 mile offshore, with deep water inside. Building material can be landed with no difficulty in smooth weather.

Respectfully, yours,

J. C. DOWNING,  
Captain U. S. Army Transport *Seward*.

Capt. W. C. LANGFITT,  
Engineer Thirteenth Light-House District, Portland, Oreg.

MARY J. BLAISDELL.

Mr. CLAPP. I ask that an order be made to withdraw from the files of the Senate the papers of Mary J. Blaisdell accompanying Senate bill 5218, in order that they may be sent to the House of Representatives.

Mr. KEAN. Mr. President, under the new rule, which was adopted this morning, I ask if that request is in order?

The VICE-PRESIDENT. It is in order. Is there objection to the request of the Senator from Minnesota [Mr. CLAPP]? The Chair hears none, and the order is made.

The order was reduced to writing, as follows:

Ordered, That the papers of Mary J. Blaisdell (S. 5218) be withdrawn from the files of the Senate.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18502) to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of water in or surrounding Porto Rico and the islands adjacent thereto, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. COOPER of Wisconsin, Mr. CRUMPACKER, and Mr. ZENOR managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16472) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LITTAUER, Mr. BINGHAM, and Mr. LIVINGSTON managers at the conference on the part of the House.

#### ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 17507) to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache In-

dian reservations, in Oklahoma Territory; and it was thereupon signed by the Vice-President.

#### IMMUNITY OF WITNESSES.

Mr. KNOX. I ask unanimous consent for the present consideration of Senate bill 5769.

The VICE-PRESIDENT. The Senator from Pennsylvania asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 5769) to declare the true intent and meaning of parts of the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February 11, 1893, and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903.

The VICE-PRESIDENT. The bill will be read for the information of the Senate, subject to objection.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. TELLER. Mr. President, may I inquire from what committee that bill comes?

Mr. KNOX. From the Committee on the Judiciary.

Mr. DANIEL. May I suggest an amendment to the bill?

Mr. TELLER. I dislike to criticize the Committee on the Judiciary, but it seems to me it is hardly proper to proceed with the consideration of a bill in this way.

Mr. BACON. The Senator has not heard the bill read as the committee proposes to amend it.

Mr. TELLER. I have heard something read.

Mr. BACON. That is the original bill as introduced. The Secretary has not yet read the very material amendments reported by the committee. The Senator has not heard those.

Mr. TELLER. I supposed that I had heard all of the bill. If the committee has reported amendments to it, perhaps they have avoided what I think must be an objection to it on the part of every lawyer here.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. TELLER. Let us have the amendments reported by the committee stated.

The VICE-PRESIDENT. The Secretary will state the amendments which have been reported.

The SECRETARY. The Committee on the Judiciary reported to amend that bill, on page 2, line 3, after the first word "That," by striking out "agreeably to the true intent and meaning of" and inserting the word "under;" and in line 17, after the word "shall," by striking out "be extended under the said provisions of said acts" and inserting the word "extend;" so as to make the bill read:

*Be it enacted, etc., That under the immunity provisions in the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February 11, 1893, in section 6 of the act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and in the act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and in the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903, immunity shall extend only to a natural person who, in obedience to a subpoena, gives testimony under oath or produces evidence, documentary or otherwise, under oath.*

The VICE-PRESIDENT. Is there objection to the present consideration of the bill which has just been read?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendments reported by the Committee on the Judiciary, which have been stated.

Mr. TELLER. Mr. President, I am not going to make any objection to the bill if it is so amended as that it is now a reasonable bill. I am willing that it shall pass; but I am not willing that Congress shall attempt to declare what a law means.

Mr. SPOONER. That is stricken out.

Mr. TELLER. That, I understand, is stricken out. It is something of a modern notion that we may construe what a law means and how the courts should construe it. If the courts have construed an act improperly, we may pass a law that will make clear what we intend. But, knowing the legal ability of the members of the committee who reported the bill, I do not make any special objection to its passage.

The VICE-PRESIDENT. The question is on agreeing to the amendments reported by the committee.

Mr. DANIEL. I should like to hear the amendments again read.

The Secretary again read the amendments.

Mr. CULBERSON. Mr. President, I only desire to say that the objection which was first suggested by the Senator from Colorado [Mr. TELLER] suggested itself to the Committee on the Judiciary, and the bill has been amended so as to relieve it of the objection suggested by the Senator—the very objection which he has presented. So that, instead of declaring the Congressional meaning of an act which has been passed, this bill proposes to enact an amendment of the existing law operative hereafter.

The VICE-PRESIDENT. The question is on the amendments reported by the Committee on the Judiciary.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. TELLER. Has the bill been passed?

The VICE-PRESIDENT. The bill has not been passed. It has been reported from the Committee of the Whole to the Senate, and the amendments made as in Committee of the Whole have been concurred in.

Mr. TELLER. I do not like the title of the bill, and I think it should be amended.

The VICE-PRESIDENT. The title will be acted upon after the passage of the bill.

Mr. TELLER. If the title be properly amended, I shall have no objection to the bill.

Mr. DANIEL. Mr. President, the immunity statute has been one of unfortunate effect in the courts. It has resulted, at least according to public sentiment, in protecting men who ought to have been prosecuted. It is of the utmost importance that when Congress shall act upon this subject, it shall act with thorough enlightenment as to the steps it is taking.

I suppose that the bill under consideration as it reads now applies only to persons who testify in a judicial proceeding or to those who are responding to some body such as a Congressional committee that has the right to enforce an answer from a witness. If this be true, I do not know that I should offer any amendment.

It may be doubtful, Mr. President, whether or not any good has resulted from our legislation on this subject. It has certainly resulted in the protection of persons who, according to public sentiment, should have been prosecuted.

I should like very much to hear from the patron of this bill some statement as to the present state of the law and as to the benefits to be derived from the bill. I should like also to hear from gentlemen who are upon the committee which has been examining this subject whether or not it might not be better to repeal all immunity statutes and to let all persons stand upon the right which they have under the law as a whole not to answer questions which criminate them.

I myself do not know, for I have never had opportunity nor occasion to investigate the present status of the law with any sedulous care, but as I feel on this subject rather than think—using the term "feel" from the impression that I have derived from the general discussions in the press—I am disposed to think we had better repeal all immunity whatsoever to people who testify, and leave them to defend themselves, they having now ample methods for the defense of their personality under the common law and under the general statutes of this country.

This is to me a subject to be dealt with with the utmost enlightenment as to what we are doing, and I therefore hope that the Senator from Pennsylvania, before any vote is asked on this bill, will explain to the Senate what is now the status of the law, what good is being derived from the immunity statute, and whether or not, in his opinion as a very experienced lawyer, it might not be better to abolish all immunity statutes and let men stand on their rights under the Constitution and the laws of the country to defend themselves.

Mr. KNOX. Mr. President, the purpose of this bill is clear, and its range is not very broad. It is not intended to cover all disputed provisions as to the rights of witnesses under any circumstances, except those enumerated in the bill itself. Senators are fully aware that under the interstate-commerce act and under the act creating the Department of Commerce and Labor, the Interstate Commerce Commission, in the first instance, and the Commissioner of Corporations, in the second instance, are authorized by the law to compel witnesses to appear before the Commission and the Commissioner, respectively, to disclose their books and papers, and to give evidence in relation to transportation companies and concerns engaged in

interstate commerce whether or not the testimony which they disclose incriminates them. In order that that law might be made effectual under the Constitution the statute gave witnesses so appearing and testifying or producing books and papers complete immunity from prosecution by reason of anything that they might disclose or because of any of the transactions with which their testimony might be concerned.

As the law originally stood, the Supreme Court of the United States declared that the immunity clauses were not broad enough; that the original statute limiting it to the particular transaction was not as broad as the constitutional right of the witnesses. So that on the 11th of February, 1893, there was an act passed which in part reads:

But no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, before said Commission, or in obedience to its subpoena, or the subpoena of either of them, or in any such case or proceeding: *Provided*, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

On the 14th of February, 1903, Congress passed an act establishing the Department of Commerce and Labor. In that act the Bureau of Corporations was created and a Commissioner of Corporations. Under the provisions of that act he was given "power and authority to make, under the direction and control of the Secretary of Commerce and Labor, diligent investigation into the organization, conduct, and management of the business of any corporation, joint stock company, or corporate combination engaged in commerce among the several States."

In order to accomplish the purpose of this act, he was given "the right to subpoena and compel the attendance and testimony of witnesses and the production of documentary evidence and to administer oaths."

The language of the act continues:

All the requirements, obligations, liabilities, and immunities imposed or conferred by said act to regulate commerce—

To which I have just referred—

and by an act in relation to testimony before the Interstate Commerce Commission—

Which I have just read—

shall also apply to all persons who may be subpoenaed to testify as witnesses or to produce documentary evidence in pursuance of the authority conferred by this section.

That completed the scheme of law so far as the Interstate Commerce Commission was concerned and so far as the Department of Commerce and Labor was concerned; namely, that the Commission in the one case and the Commissioner of Corporations, acting under the control of the head of his Department, in the other, could compel the attendance of witnesses, could compel the production of books and papers, and those witnesses had to attend, had to testify, and had to produce their books and papers whether or not the production of such books and papers or the giving of that testimony incriminated them.

It was supposed that there was no possible doubt about the meaning of the language that the immunity provisions of the acts referred to:

Shall also apply to all persons who may be subpoenaed to testify as witnesses or—

And I interpolate the word "subpoenaed" in the following extract in order to bring out clearly the meaning—

or "subpoenaed" to produce documentary evidence in pursuance of the authority conferred by this section.

I say it seems there could be no doubt as to the meaning of that language, that when it says "the immunity shall extend to all persons subpoenaed to give testimony and subpoenaed to produce books and papers," it would be essential that a subpoena should be issued; but it so turned out that in the prosecution of the great beef trust in Chicago, Commissioner Garfield had had some conversations with different members of the beef trust, and some of them had produced books and papers voluntarily or at his request, and, notwithstanding the language that the immunity provision was only to extend to persons "subpoenaed" to give testimony and "subpoenaed" to produce books and papers, the court in Chicago held that they had obtained the immunity by voluntarily disclosing the secrets of their business to Commissioner Garfield.

Mr. President, the whole purpose of this bill is to define the right of the witness as we thought it was defined in the statute which I have read, and to say, as the statute said, but to say it even more clearly and emphatically, that the immunity shall only extend to witnesses who have been subpoenaed to produce books and papers or subpoenaed to give testimony. The essence of the whole act is found in lines 18, 19, and 20, on page 2, which read that these immunity provisions—only the immunity provisions under the interstate commerce act and under the Commerce and Labor act, not the general immunity that the

citizen enjoys in judicial proceedings, but merely in relation to the proceedings of these two great bureaus of the Government—"shall extend only to a natural person." That is, that a corporation is not to have the benefit of the immunity provisions, but they—

shall extend only to a natural person who, in obedience to a subpoena, gives testimony under oath or produces evidence, documentary or otherwise, under oath.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill defining the right of immunity of witnesses under the act entitled 'An act in relation to testimony before the Interstate Commerce Commission,' and so forth, approved February 11, 1893, and an act entitled 'An act to establish the Department of Commerce and Labor,' approved February 14, 1903, and an act entitled 'An act to further regulate commerce with foreign nations and among the States,' approved February 19, 1903, and an act entitled 'An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes,' approved February 25, 1903."

#### EMPLOYERS' LIABILITY BILL.

Mr. LA FOLLETTE. I ask unanimous consent for the present consideration of the bill (H. R. 239) relating to liability of common carriers by railroads in the District of Columbia and Territories and common carriers by railroads engaged in commerce between the States and between the States and foreign nations to their employees.

Mr. STONE. I ask the Senator from Wisconsin to yield to me for morning business.

The VICE-PRESIDENT. Under the rule adopted by the Senate this morning the Chair can not accept morning business.

Mr. STONE. Under the rule, can not morning business be introduced or transacted at all at this time?

The VICE-PRESIDENT. The conclusion of the rule reads:

It shall not be in order to interrupt a Senator having the floor, for the purpose of introducing any memorial, petition, report of a committee, resolution, or bill. It shall be the duty of the Chair to enforce this rule without any point of order hereunder being made by a Senator.

Mr. STONE. The Senator does not rise—

The VICE-PRESIDENT. For what purpose does the Senator rise?

Mr. STONE. The Senator does not rise for the purpose of introducing a bill.

Mr. KEAN. Let us have the regular order, Mr. President.

Mr. SPOONER. The Senator from Wisconsin has the floor.

The VICE-PRESIDENT. The Senator from Wisconsin has the floor.

Mr. STONE. Certainly, he has the floor.

Mr. SPOONER. And he can not yield it under the rule to enable another Senator to introduce a bill, resolution, or memorial, but the Senator from Missouri may, after the Senator from Wisconsin yields the floor, take the floor in his own right to introduce morning business by unanimous consent.

Mr. LA FOLLETTE. I should be glad to yield.

The VICE-PRESIDENT. The Senator can not yield under the rule.

Mr. STONE. It is not important.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent for the present consideration of a bill which will be stated by title.

The SECRETARY. A bill (H. R. 239) relating to liability of common carriers by railroads in the District of Columbia and Territories and common carriers by railroads engaged in commerce between the States and between the States and foreign nations to their employees.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill, which had been reported from the Committee on Interstate Commerce with amendments.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KEAN. I do not object, but there are some amendments reported by the committee.

The VICE-PRESIDENT. The amendments reported by the committee will be stated.

The SECRETARY. In line 3, section 1, page 1, it is proposed, after the word "carrier," to strike out the words "by railroad;" so as to read:

That every common carrier engaged in trade or commerce in the District of Columbia, or in any Territory of the United States, or between the several States, etc.

Mr. LA FOLLETTE. Mr. President—

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KEAN. I want to hear the amendments read.

The VICE-PRESIDENT. The Secretary will state the amendments.

The SECRETARY. In line 3, section 1, page 1, after the word "carrier," strike out "by railroad;" so as to read:

That every common carrier engaged in trade or commerce in the District of Columbia, or in any Territory of the United States, or between the several States, etc.

Mr. LA FOLLETTE. A parliamentary inquiry, Mr. President.

The VICE-PRESIDENT. The Senator from Wisconsin will state his parliamentary inquiry.

Mr. LA FOLLETTE. I have some amendments which I desire to offer to the bill, and I wish to inquire whether they should be offered now or I should wait until the committee amendments have been disposed of?

The VICE-PRESIDENT. The Chair will first ascertain whether there is objection to the consideration of the bill. Is there objection to the present consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has been stated by the Secretary.

The amendment was agreed to.

The next amendment of the Committee on Interstate Commerce was, on page 2, section 1, line 3, after the word "employees," to insert the words "in authority over him or engaged in a different kind of work;" so as to read:

That every common carrier \* \* \* shall be liable to any of its employees, or, in the case of his death, to his personal representative, for the benefit of his widow and children, if any, if none, for his next of kin dependent upon him, for all damages which may result from the negligence of any of its officers, agents, or employees in authority over him or engaged in a different kind of work, or by reason of any defect or insufficiency due to its negligence in its cars, engines, etc.

Mr. LA FOLLETTE. Mr. President, I wish to say just a word to the Senate in opposition to this amendment. It will be observed that the words which have been added to the House bill by the Senate committee and reported to the Senate, namely, the words "in authority over him or engaged in a different kind of work" really destroy the effectiveness of the bill. If that amendment be adopted, there could be no recovery of damages caused by the negligence of any other employee, however gross the negligence of that employee, unless the injury or the death were caused by the negligence of some one in authority immediately over the person injured or killed.

If, for instance, the engineer, the fireman, and the brakeman of a train crew were all of them sacrificed in train collision resulting from the negligence of some member of the crew of the train with which they collided, there could be no recovery. I shall not take the time of the Senate to more than call attention to the character of this amendment and say that it destroys the value of the bill. I can not conceive that this body, after delaying this legislation for years, will enact a measure professedly for the protection of railway employees, but which, in fact, will afford them no protection at all if this amendment proposed by the committee is to remain in the bill.

I will ask the Senate to listen to a resolution adopted by the International Brotherhood of Locomotive Engineers, presented to the Senate by the Vice-President on Tuesday morning. It reads as follows:

[Telegram.]

MEMPHIS, TENN., May 25, 1906.

Hon. C. W. FAIRBANKS,  
President of the Senate, Senate Chamber,  
Washington, D. C.:

The International Brotherhood of Locomotive Engineers in convention assembled at Memphis, Tenn., this 25th day of May, 1906, by a unanimous vote earnestly protest against the amendment inserting the words, "in authority over him or engaged in a different kind of work," in section 1 of our employers' liability bill, H. R. 239, and we earnestly appeal to all Senators who are desirous of the passage of an effective bill upon this important subject to vote against the insertion of that amendment as above stated.

W. S. STONE.

Mr. President, it is not necessary to add one word to this appeal, which comes from the International Brotherhood of Locomotive Engineers. Surely after these men have waited ten long years for some sort of legislation, they will not be given a law that is worthless and meaningless in its so-called protection.

Mr. CARMACK. Mr. President, I do not care to make a speech on this amendment, but only to say that I thoroughly agree with what has been said by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. CULBERSON. Mr. President, like the Senator from Tennessee [Mr. CARMACK], it is not my purpose to address the Senate upon this amendment, but simply to state my thorough agreement with what has been said by the Senator from Wisconsin [Mr. LA FOLLETTE]. The bill, with this amendment in it,

will answer no good purpose whatever, Mr. President, but, on the contrary, it will, in my judgment, destroy the effectiveness of the bill. I sincerely trust that the amendment proposed by the committee in this particular will not be adopted.

Mr. MALLORY obtained the floor.

Mr. KEAN. I do not see present the Senator from Mississippi [Mr. McLAURIN] who reported the bill.

Mr. TILLMAN. As a member of the Interstate Commerce Committee, which reported the bill—

The VICE-PRESIDENT. The Senator from Florida has the floor.

Mr. MALLORY. I merely wish to call the attention of the Senator from Texas to a question of complication that may arise out of this language, if inserted in the bill. Many of the States have laws on this subject which are in line with what the purpose of this bill was when it passed the House. Under the proposed committee amendment a suit brought in the United States court would be determined under it, and the result, in my judgment, would be entirely different from what it would be if the suit were brought in the State court. That also is a matter for the Senate to consider in connection with the proposition to insert these words.

Mr. TILLMAN. Mr. President, I am a member of the Interstate Commerce Committee, and I opposed this amendment in committee. I agree with what the Senator from Wisconsin said, that it utterly destroys the object of the bill, which is to give the employee of a railroad or his representatives damages for negligence, and I certainly shall vote to take the committee amendment out in the Senate, if we can get a yea-and-nay vote on it.

Mr. FORAKER. Mr. President, I was out of the Chamber when this bill was called up, and I was a little surprised to find that it was under consideration when I returned to the Chamber. The bill was reported out of the Interstate Commerce Committee by the Senator from Mississippi [Mr. McLAURIN]. He came to me just as he was leaving, and said he was to be absent for a few days, and asked me if I would call up the bill during his absence and have it considered, if there came a necessity for it. But when he told me he would return next Monday, I think his statement was, it seemed to me that there was no necessity for my undertaking what had been assigned to him, and I declined and dismissed the matter from further consideration. I think the bill ought to go over until the Senator from Mississippi returns, because the amendment under consideration which is objected to was not my amendment, but his amendment, and it is an amendment about which there was difference of opinion in committee. I think it is due to the Senator from Mississippi that the matter be delayed until he can return. I base that simply on what he said to me at the time he left.

Mr. MONEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. FORAKER. Certainly.

Mr. MONEY. I thought the Senator from Ohio was about to take his seat.

Mr. FORAKER. I was. I said about all I care to say. I do not desire to discuss the measure.

Mr. MONEY. Mr. President, I do not care to discuss the pending bill. It is one introduced by my colleague, who is now absent, and his purpose was to do something for the benefit of the employees of railroads who may be injured by collision, accident, etc. As these people, the beneficiaries, have, as far as I can learn, universally repudiated the amendment as not effectuating the purpose of the bill, but to the contrary, I think it very well, if the Senate acts now, that it should reject the amendment, unless it intends to pervert the original intention of the bill. I hope, if voted on, the amendment will be voted down.

Mr. FORAKER. If I correctly understood the Senator from Mississippi, his statement was that his colleague will repudiate the amendment when he does return.

Mr. MONEY. No.

Mr. GALLINGER. He did not say that.

Mr. MONEY. I did not say my colleague would repudiate it, but if it does defeat the purpose of this bill, and as the people for whose benefit it was proposed have repudiated the amendment, so far as I can learn, and object to its adoption, I presume my colleague would object to it.

Mr. FORAKER. Mr. President, I have no objection to the bill being considered now, if the Senate thinks it should be, after the statement I have made as to what the Senator from Mississippi said to me just before he left. But I think if it is to be considered in his absence, I ought to state that in the committee the Senator from Mississippi [Mr. McLAURIN] offered amendments to other sections of this bill, about which proposed

amendments there was a difference of opinion in committee and much discussion. He offered an amendment to section 2 of the bill, to which I was opposed, and which was finally rejected in committee. There was also objection in committee to section 3 of the bill. I did not sympathize with the objections to that. The result of it all was, as is frequently the case, that the bill was reported in the form in which it is now presented to the Senate, with this proposed amendment of the committee, as a sort of a compromise of the whole matter of difference.

The amendment having been agreed to in section 1, the amendments proposed as to section 2 and the other parts of the bill—I can not recall, in the absence of the minutes of the committee, just what they all were—the first was accepted and the others were waived. So it is not quite fair to say that the bill, if it should pass as reported from the committee, would entirely defeat the purposes of those who are seeking this legislation. The second section and the third section and the fifth section, I suppose—I do not know just what that provides—but two of the important features were the second and third sections. They were reported just as the representative of the labor interest who spoke to me on the subject and who appeared before the committee desired that they should be enacted. They could not have what they desired as to the first section.

It is my opinion that the amendment does not change the law as it now is; certainly it does not as it is in my State, for the provision of that amendment is but declaratory of the rule as to negligence and contributory negligence as we apply it there now. I have no disposition to oppose the passage of this measure; I sympathize with it; but we were compelled to do in the committee, as happens here every day in other committees—we had to compromise our differences, giving and taking, something being modified here that something else might be granted there.

Mr. SCOTT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from West Virginia?

Mr. FORAKER. Certainly.

Mr. SCOTT. In view of the statement just made by the Senator from Ohio, and out of courtesy to the Senator from Mississippi, who is not here, I call for the regular order and ask that this bill may go over.

The VICE-PRESIDENT. Under objection, the bill will lie over, retaining its place on the Calendar.

Mr. LA FOLLETTE. I do not think the Senator from West Virginia will demand the regular order when I say to him that I made diligent inquiry with respect to the position of the Senator from Mississippi who reported this bill, and I was assured, and I think reliably—and the statement of the Senator from Ohio is confirmatory of what I heard upon the subject—that he did not expect this measure to be delayed until his return; and I understood from the Senator from Ohio that he was authorized to call up the bill for the Senator from Mississippi at some time before his return.

Mr. FORAKER. The Senator pretty nearly accurately repeats what I said. I did not accept the honor of calling up the bill, because the Senator from Mississippi had taken much interest in it and seemed to have it especially in mind. He had charge of it by direction of the committee itself, and I did not think there was any necessity that I should take the work off his hands; I had a number of other bills I wanted to call up. So I said to him I thought it would be time enough to let it go over until he returned. I did not dream that the bill would be taken up in his absence.

Mr. LA FOLLETTE. Mr. President—

Mr. FORAKER. I think if the Senator from Mississippi had desired that the bill be called up during his absence, after he had talked with me, he would have gone to some other Senator on the committee of which he is a member, and asked him to call it up.

Mr. SCOTT. I call for the regular order.

Mr. MALLORY. A parliamentary inquiry, Mr. President.

The VICE-PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. MALLORY. What is the regular order?

The VICE-PRESIDENT. The Calendar under Rule VIII is the regular order.

Mr. MALLORY. Has not the Senate agreed to take up this bill?

The VICE-PRESIDENT. Bills are being considered by unanimous consent.

Mr. MALLORY. And consent was given for the consideration of this bill?

The VICE-PRESIDENT. Yes; but under Rule VIII an objection may be interposed at any stage of the bill's consideration, notwithstanding the previous consent.

Mr. LA FOLLETTE. Mr. President, what then is the significance of the granting of consent on the part of the Senate for the consideration of a bill if it can be set aside by objection at any time?

The VICE-PRESIDENT. The Chair will call attention to the rule. It needs no interpretation.

Mr. LA FOLLETTE. I shall be very glad to hear the rule read.

The VICE-PRESIDENT. Rule VIII provides that—

At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of Bills and Resolutions, and continue such consideration until 2 o'clock; and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and the objection may be interposed at any stage of the proceedings—

Mr. SCOTT. I want to ask the Senator from Wisconsin a question.

Mr. LA FOLLETTE. Mr. President—

Mr. SCOTT. Will the Senator from Wisconsin allow me to ask him a question?

Mr. LA FOLLETTE. Mr. President—

Mr. SCOTT. Did the Senator from Mississippi—

The VICE-PRESIDENT. Will the Senators please suspend until the Chair concludes the reading of the rule? It continues:

But upon motion the Senate may continue such consideration; and this order shall commence immediately after the call for "concurrent and other resolutions," and shall take precedence of the unfinished business and other special orders.

Mr. LA FOLLETTE. I desire to move that the Senate continue the consideration of this bill.

The VICE-PRESIDENT. That the Senator can do. The question is on agreeing to the motion of the Senator from Wisconsin, that the Senate continue the consideration of the bill notwithstanding the objection.

The motion was agreed to.

Mr. CARMACK. Mr. President, I should like to know whether the pending amendment under discussion was offered by the Senator from Mississippi [Mr. McLAURIN]. I do not know whether or not that was stated.

The VICE-PRESIDENT. The question is on agreeing to the amendment in lines 3 and 4, page 2.

Mr. PATTERSON. I have sent for a copy of the bill. I want to see if it is the amendment I have in mind.

Mr. DANIEL. I ask that the amendment may be stated.

Mr. SCOTT. Will the Senator from Colorado yield to me for a moment?

Mr. PATTERSON. Yes.

Mr. SCOTT. I want it to be distinctly understood that I am not opposing this bill. I desired to ask the Senator from Wisconsin whether the Senator from Mississippi had asked him to call up this bill during his absence. If he had answered my question, I should have withdrawn my objection.

Mr. LA FOLLETTE. I had already stated, if the Senator from Colorado will yield—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. LA FOLLETTE. Just to answer the question.

Mr. PATTERSON. With pleasure.

Mr. LA FOLLETTE. I had already stated—perhaps before the Senator from West Virginia returned to the Chamber—that I had made inquiry with respect to the status of this bill, and had been informed that the Senator from Mississippi [Mr. McLAURIN] did not expect to have the bill laid over until his return; that he expected it to be taken up and passed in his absence; that he is likely to be gone for some ten days or more. The statement of the Senator from Ohio confirms the information upon which I acted in calling up the bill. The Senator from Mississippi expected it to be taken up.

I was not requested by the Senator from Mississippi to call it up in his absence.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LA FOLLETTE. I do not think I have trespassed upon the prerogatives of the Senator from Mississippi at all. I certainly would not do that. But I was advised, and I believe correctly, that he expected this bill to be considered in his absence. Indeed, I am sure that he would not want the bill jeopardized by deferring its consideration until his return later in the session.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. PATTERSON. With pleasure.

Mr. FORAKER. I only wanted to state what I did not recall when I was on the floor a moment ago, but which is something that I think should be stated before Senators take action. When the Senator from Mississippi [Mr. McLAURIN] came to me he submitted a form of amendment which he intended to offer as a substitute for that amendment when the bill did come up, which he said had been prepared by representatives of labor organizations with whom he had been conferring. I declined to take charge of it. I said I had no objection to it; I looked it over and gave my assent to it, and said when he offered it he could say, so far as I was concerned as a member of the committee, that the amendment which he had agreed upon to be substituted for these words should be accepted. But beyond that I have nothing now to say about the matter.

Mr. PATTERSON. Mr. President, I rose only for information. I should like to have the Secretary reread the amendment.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 2, line 3, after the word "employees," insert "in authority over him or engaged in a different kind of work."

Mr. PATTERSON. That amendment ought to be voted down.

Mr. LA FOLLETTE. Mr. President, as many Senators have returned to the Chamber since the telegram was read from the National Association of the Brotherhood of Locomotive Engineers, I will ask to have it read before the vote is taken.

The VICE-PRESIDENT. Without objection, the Secretary will again read it.

The Secretary read as follows:

[Telegram.]

MEMPHIS, TENN., May 25, 1906.

HON. C. W. FAIRBANKS,  
President of the Senate, Senate Chamber,  
Washington, D. C.:

The International Brotherhood of Locomotive Engineers, in convention assembled at Memphis, Tenn., this 25th day of May, 1906, by a unanimous vote earnestly protest against the amendment inserting the words "in authority over him or engaged in a different kind of work" in section 1 of our employers' liability bill (H. R. 239), and we earnestly appeal to all Senators who are desirous of the passage of an effective bill upon this important subject to vote against the insertion of that amendment as above stated.

W. S. STONE.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Interstate Commerce.

Mr. DANIEL. Mr. President, as I understand it, the vote is on the whole of the words "in authority over him or engaged in a different kind of work."

The VICE-PRESIDENT. That is the pending amendment.

Mr. DANIEL. Mr. President, just a few words.

I think it is important and thoroughly right and just that this amendment should be voted down. The negligence for which a carrier should be held responsible is not confined to that of the person who is the agent in authority over him. In the complex organization of society that now exists the old-time common law of master and servant has no longer fitting application to this subject. There is a new heaven and a new earth with respect to the organization of labor. If a man is killed or wounded upon a train by the negligence of an employee of the carrier, who misreads a telegram, or who does anything by which the correct movement of a train is hindered or prevented, there is as much responsibility for the negligence of the dispatcher as if he were one in authority over the person who is hurt.

Neither is the second part of this phrase one that commends itself to the rationale and organization of our modern systems of common carriage:

Or engaged in a different kind of work.

What difference does that make? If a man is at a station in charge of a switch and a brakeman is killed upon a train by the switchman's negligence, why should the responsibility of the carrier be excused because the man at the switch "was engaged in a different kind of work?"

And so, Mr. President, you might take a thousand illustrations from the diversified branches of the great system of transportation now in vogue. The common carrier of to-day is as different from the common carrier of a hundred years ago as a grand hotel in New York—a sky scraper, which has two or three thousand servants and five or six thousand guests—is different from an old wayside inn. It becomes the business of a department to serve one dish or one portion of a dish in that modern metropolitan, or rather cosmopolitan, hotel.

What difference does it make upon the subject of negligence we are now considering whether the relations of the person upon a train are those of identical labor or similar labor or diversified labor? We can not apply or make fit the old ideas of a hundred or two hundred years ago, and this amendment is

antiquated and totally out of unison and congeniality with the whole framework of the bill.

This reform, Mr. President, in the law of common service has moved all over the face of the earth where civilization exists. It has been retarded a little here or there. In our own State we have had contests for a year or two and then victory, and the same result will take place here as soon as this subject gets a full and fair hearing and is understood in the light of the just and wise and modern view.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The VICE-PRESIDENT. The Secretary will read the next amendment.

The next amendment of the Committee on Interstate Commerce was, in section 2, page 2, line 8, after the word "any," to strike out "such;" and in the same line, after the word "carriers," to strike out "by railroad;" so as to make the section read:

SEC. 2. That in all actions hereafter brought against any common carriers to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery where his contributory negligence was slight and that of the employer was gross in comparison, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 23, after the word "any," to strike out "such;" in the same line, after the word "carrier," to strike out "by railroad;" and on page 3, line 2, after the word "his," to strike out "heirs at law" and insert "personal representative;" so as to make the proviso read:

Provided, however, That upon the trial of such action against any common carrier the defendant may set off therein any sum it has contributed toward any such insurance, relief benefit, or indemnity that may have been paid to the injured employee, or, in case of his death, to his personal representative.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 4, after the word "within," to strike out "two years" and insert "one year;" so as to make the section read:

SEC. 4. That no action shall be maintained under this act unless commenced within one year from the time the cause of action accrued.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. DANIEL. I move to strike out the proviso beginning in line 22, page 2, and going down to line 2, page 3.

The VICE-PRESIDENT. The Senator from Virginia moves an amendment, which will be stated by the Secretary.

The SECRETARY. On page 2, line 22, after the word "employee," strike out the following proviso:

Provided, however, That upon the trial of such action against any common carrier the defendant may set off therein any sum it has contributed toward any such insurance, relief benefit, or indemnity that may have been paid to the injured employee, or, in case of his death, to his personal representative.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Virginia.

Mr. GALLINGER. I should like the Senator from Virginia to give the Senate the benefit of his views on that matter. It seems to me that if these railroads have contributed money to their injured employees they ought to be given due credit for that if damages are assessed against them by the court.

Mr. DANIEL. I do not want to imperil the passage of the bill; otherwise I should like to state my views in full on that subject.

Mr. GALLINGER. I shall certainly state my views briefly against it.

Mr. DANIEL. The employees of a great modern carrier are in large measure under their sway. They are not required to give their employees anything, and it is not according to common law that such a matter should go as an offset. It is a change of the present law on the subject, as it ought to demonstrate itself. It is mixing in with an action of damages a collateral matter which has nothing to do with it. If they choose to give a man something, they have no right to charge it as an offset. If a man chooses to send a basket of flowers or a basket of fruit to a sick man, he can not make a bill of it because that man has an action of damages against him.

Mr. GALLINGER. Mr. President—

Mr. DANIEL. It is not the kind of thing that belongs to lawsuits, and it is a matter of relationship in which the superior has a large influence over the conduct and over the doings of the inferior.

Mr. GALLINGER. Did I understand the Senator to say that he withdraws his amendment?

Mr. DANIEL. No, sir; I do not withdraw the amendment.

Mr. GALLINGER. It does seem to me, if I have read this bill aright, and I confess that I have read it very hastily, that in the event of an employee being injured, and the railroad corporation takes him to a hospital, paying perhaps hundreds and possibly thousands of dollars for his care, if afterwards action is resorted to to recover damages for that injury, the railroad corporation ought to have the benefit of that expense. I chance to know, Mr. President, that these railroad corporations, which seem to be under the ban at the present time, are doing a great deal for their employees, and I want to say a word in their behalf.

In my own city at the present time a railroad corporation is constructing a fine building for the benefit of its employees. They are to be furnished a place where they can have amusements, literature, and everything necessary for their comfort. I do not think we want to make a foolish raid upon the corporations in view of the good things they are doing for their employees.

I repeat, Mr. President, whatever the legal technicalities in the case may be, if a railroad corporation expends money for the comfort and restoration of health, or it may be the preservation of the life of an injured employee, in the event of the employee being awarded damages in the courts, the corporation should have the benefit of what it has contributed; and that, I understand, is what this bill proposes to do. I think, when the Senator from Virginia gives the matter a little more careful consideration—possibly he has thought it all out—he will see that we ought to be just to both parties in the controversy.

#### PANAMA CANAL.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which the Secretary will state.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. CULLOM. I ask that the legislative, executive, and judicial appropriation bill, now on the Vice-President's table, be laid before the Senate.

Mr. KITTREDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. CULLOM. Yes; but I do not expect to take any time except to move that conferees be appointed.

The VICE-PRESIDENT. The Senator from South Dakota rises with respect to the unfinished business.

Mr. CULLOM. I have no objection to yielding.

Mr. KITTREDGE. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside. The Chair hears no objection, and it is so ordered.

#### LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 16472) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CULLOM. I move that the Senate insist upon its amendments, agree to the conference asked by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. CULLOM, Mr. WARREN, and Mr. TELLER as the conferees on the part of the Senate.

#### WHARVES AND PIERS IN THE WATERS OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18502) to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of water in or surrounding Porto Rico and the islands adjacent thereto, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FORAKER. I move that the Senate insist upon its amendments, agree to the conference asked for by the House of Representatives, and that the Chair appoint the conferees.

The motion was agreed to; and the Vice-President appointed

Mr. FORAKER, Mr. WETMORE, and Mr. MALLOY as the conferees on the part of the Senate.

#### EMPLOYERS' LIABILITY BILL.

Mr. FORAKER. Mr. President, last Wednesday, before we adjourned, I gave notice that to-day, because of communication I had with respect to some executive business, I would feel it my duty to move for an executive session at the earliest possible hour. I propose to make that motion now, but before doing so I want to say a word about the bill that has been under consideration.

The Senator from Virginia [Mr. DANIEL] has just moved, I understand, to strike out the proviso in section 3. I hope the Senator will not insist upon that amendment. I think I know what the men who have asked for this legislation want in that respect. I think they are honorable, fair-minded men. I have always found them such, and I do not believe there is a man in all of the many employees of the railroads of this country who would want to deny to the railroad in a suit, such as has been provided for here, a credit on a judgment or against a verdict that might be rendered to the amount that he had received of benefits out of the beneficial fund which the railroad had helped them to maintain.

There was a great deal of difference of opinion in the Senate committee as to whether the legislation involved in section 3 should be enacted at all, but we finally agreed to report it in the form in which it stands here.

This legislation in the form in which it here stands met with the approval of the House committee and of the House. This particular provision has not been objected to, so far as I am aware, by anyone until now the Senator from Virginia makes a motion to strike out. When the bill can be again taken up, I shall insist further upon this view; but for the present, Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. LA FOLLETTE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio withhold his motion and yield to the Senator from Wisconsin?

Mr. FORAKER. For a question; not to make an argument.

Mr. LA FOLLETTE. I am not going to make an argument, but, believing that Senators may desire to be present when the roll is called upon the passage of this bill, I give notice now that to-morrow, after the routine business is finished, I shall ask unanimous consent to resume its consideration. If objection is made, I shall move to take it up. If that motion is voted down, or if the bill is not disposed of during the morning hour, and is again forced over, I shall then move for its consideration upon the day following. I shall continue to press its consideration from day to day until it is passed.

#### EXECUTIVE SESSION.

Mr. FORAKER. I move that the Senate proceed to the consideration of executive business.

Mr. McCUMBER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from North Dakota?

Mr. FORAKER. I yield to the Senator.

Mr. McCUMBER. I want to know some reason why, with the great number of bills we have on the Calendar, it becomes necessary to move an executive session at the very beginning of our morning's work and to hold an executive session at the expense of all other character of legislation.

Mr. FORAKER. The Senator from North Dakota knows exactly why I am moving for an executive session, because he was present in the executive session when I made the statement to which I referred a few moments ago. I can not state in open session matters that pertain to executive session. When we go into executive session, if there is any good reason why we should not stay there, it can be shown to us in executive session and we can come back into legislative session, but for the present I insist on my motion.

Mr. TALIAFERRO. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Florida?

Mr. FORAKER. I will yield, if it be a very brief matter.

Mr. TALIAFERRO. It is a very short bill that I desire to call up.

Mr. KEAN. Let us have the regular order.

The VICE-PRESIDENT. The regular order is demanded.

Mr. McCUMBER. I want to have a vote on the motion.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Ohio. [Putting the question.] By the sound the noes seem to have it.

Mr. FORAKER. I ask for a division.

Mr. PATTERSON. Why not have the yeas and nays?

Mr. GALLINGER. Let us have the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 38, nays 14, as follows:

## YEAS—38.

Aldrich	Daniel	Hopkins	Proctor
Bacon	Dick	Kean	Scott
Bailey	Dolliver	La Follette	Smoot
Berry	Flint	Lodge	Stone
Blackburn	Foraker	Millard	Taliaferro
Brandeggee	Frazier	Nixon	Teller
Burkett	Frye	Overman	Warner
Burnham	Fulton	Patterson	Warren
Clark, Wyo.	Gallinger	Piles	
Clay	Gearin	Platt	

## NAYS—14.

Ankeny	Dubois	Money	Rayner
Carmack	Kittredge	Nelson	Spooner
Carter	McCumber	Perkins	
Culberson	Mallory	Pettus	

## NOT VOTING—37.

Alger	Crane	Hansbrough	Morgan
Allee	Cullom	Hemenway	Newlands
Allison	Depew	Heyburn	Penrose
Beveridge	Dillingham	Knox	Simmons
Bulkeley	Dryden	Latimer	Sutherland
Burrows	Elkins	Long	Tillman
Burton	Foster	McCreary	Wetmore
Clapp	Gamble	McEnery	
Clark, Mont.	Gorman	McLaurin	
Clarke, Ark.	Hale	Martin	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and fifteen minutes spent in executive session the doors were reopened.

## ARMY APPROPRIATION BILL.

Mr. WARREN submitted the following report:

## CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14397) making appropriations for the support of the Army for the fiscal year ending June 30, 1907, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, 7, 27, 28, 30, 41, 44, 62, 63, 64, 65, 66, and 77.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58, 59, 60, 61, 67, 68, 69, 70, 71, 72, 74, and 75; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the amount proposed in the said amendment insert "one million dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "Provided, That no part of this appropriation shall be applied to the payment of the expense of using transports in any other Government work than the transportation of the Army, Navy, and Marine Corps, and their supplies; and, when, in the opinion of the Secretary of War, accommodations are available, transportation may be provided for the families and employees of officers and men of the Army, Navy, and Marine Corps, and members of the Philippine government and families, and their employees and families;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: After the word "dollars," in said amendment, strike out the period and insert in lieu thereof a colon, followed by the words: "Provided, That if in the opinion of the Secretary of War said reservation is no longer needed for the purposes for which it was originally acquired, he may, in his discretion, in lieu of expending the said five thousand dollars, sell and convey the lands in said reservation;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In line 7 of said amendment strike out the word "ten" and insert in lieu thereof the word "fifteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In the last line of the said amendment

strike out the word "thirty" and insert in lieu thereof the word "ten;" and the Senate agree to the same.

F. E. WARREN,  
J. B. FORAKER,  
JO. C. S. BLACKBURN,  
*Managers on the part of the Senate.*

J. A. T. HULL,  
A. B. CAPRON,  
WILLIAM SULZER,  
*Managers on the part of the House.*

The report was agreed to.

## STATEMENT OF MANAGERS ON THE PART OF THE SENATE.

The managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the bill (H. R. 14397) making appropriations for the support of the Army for the fiscal year ending June 30, 1907, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on the amendments of the Senate, namely:

Bill as reported to Senate amounted to.....	\$71, 328, 144. 37
During consideration of bill by Senate the following amounts were added:	
Canal Zone cable.....	\$927, 000. 00
Fort Mason, Cal.....	750, 000. 00
National board for promotion of rifle practice.....	2, 162. 00
Moore's Creek Monumental Association.....	5, 000. 00
National Cemetery, Fredericksburg, Va.....	30, 000. 00
	1, 714, 162. 00
Total amount of bill as it passed Senate.....	73, 042, 306. 37

Amounts in bill as it passed Senate dropped in conference:	
Canal Zone cable.....	\$927, 000. 00
Army War College.....	5, 000. 00
Pay of officers of line for length of service.....	255. 00
Additional pay for length of service, Ordnance Department.....	16, 886. 00
Paymasters' clerks.....	. 29
Clothing due enlisted men on discharge.....	82, 000. 00
Ordnance stores—ammunition.....	24, 000. 00
Small-arms target practice.....	100, 000. 00
Ordnance stores and supplies.....	50, 000. 00
National Cemetery, Fredericksburg, Va.....	20, 000. 00
	1, 225, 141. 29
Amount of bill as reported by conferees.....	71, 817, 165. 08

## MILITARY ACADEMY APPROPRIATION BILL.

Mr. SCOTT. I move that the Senate proceed to the consideration of the bill (H. R. 18030) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1907, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

Mr. SCOTT. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first acted upon.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Military Affairs was, under the subhead "Permanent establishment," on page 2, line 11, after the word "gunnery," to strike out "(major)" and insert "(lieutenant-colonel);" and in the same line, after the word "as," to strike out "captain, mounted" and insert "major;" so as to make the clause read:

For pay of one instructor of ordnance and science of gunnery (lieutenant-colonel), in addition to pay as major, \$500.

The amendment was agreed to.

The next amendment was, on page 2, line 14, after the word "as," to strike out "instructor" and insert "professor;" so as to make the clause read:

That the Secretary of War may detail an officer of the Medical Corps of the Army to the Military Academy as professor of military hygiene.

The amendment was agreed to.

The next amendment was, on page 10, line 1, before the word "engineering," to strike out "military;" so as to make the clause read:

For extra pay of one enlisted man as clerk in the department of practical engineering and to the officer in charge of waterworks and works of construction at the Military Academy, at 50 cents per day, \$156.50.

The amendment was agreed to.

The next amendment was, on page 10, after line 11, to insert:  
For extra pay of one first sergeant (artilleryman), at 50 cents per day, \$182.50.

The amendment was agreed to.

The next amendment was, on page 11, line 9, to increase the total appropriation for pay of Military Academy band, field musicians, general Army service, cavalry detachment, artillery detachment, etc., from \$109,638.42 to \$109,820.92.

The amendment was agreed to.

The next amendment was, on page 12, line 4, before the word "two," to insert "at;" so as to make the clause read:

For two civilian instructors of French, to be employed under rules prescribed by the Secretary of War, at \$2,000 per year each, \$4,000.

The amendment was agreed to.

The next amendment was, on page 12, line 17, to reduce the appropriation for pay of one professional civilian instructor in gymnastics, athletics, and swimming, etc., from \$1,500 to \$1,200.

The amendment was agreed to.

The next amendment was, on page 14, line 16, to increase the appropriation for pay of one master mechanic from \$1,500 to \$1,800.

The amendment was agreed to.

The next amendment was, on page 18, line 21, after the word "clocks," to insert "and for contingent expenses not otherwise provided for;" so as to make the clause read:

For department of natural and experimental philosophy: Additions to apparatus to illustrate the principles of mechanics, acoustics, optics, and astronomy; \* \* \* and for repairs to the observatory buildings and repairs to clocks, and for contingent expenses not otherwise provided for, \$1,850.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous items and incidental expenses," on page 25, line 7, before the word "dollars," to insert "six hundred and ten;" so as to read:

For the policing of barracks, bath houses, supplying light and plain furniture to cadet barracks, \$9,610.

The amendment was agreed to.

The next amendment was, on page 25, line 7, after the word "dollars," to insert the following proviso:

Provided, That hereafter no charge shall be made against the accounts of cadets for policing of barracks, bath houses, and supplying light and plain furniture to cadet barracks.

The amendment was agreed to.

The next amendment was, on page 25, after line 10, to insert:  
For the purchase of the necessary table linen and equipment for the cadet mess, \$1,000.

The amendment was agreed to.

The next amendment was, on page 25, after line 12, to insert:

For maintaining the children's school, the Superintendent of the Military Academy being authorized to employ the necessary teachers, \$3,520.

The amendment was agreed to.

The next amendment was, on page 25, line 18, to increase the total appropriation for miscellaneous items and incidental expenses from \$53,310 to \$55,440.

The amendment was agreed to.

The next amendment was, on page 28, line 9, to increase the appropriation for maintaining and improving the grounds of the post cemetery from \$1,000 to \$2,000.

The amendment was agreed to.

The next amendment was, on page 29, line 7, before the word "quarters," to insert "of;" so as to make the clause read:

For material and labor for repairing and reshingling roofs of eight sets of quarters for enlisted men, \$1,200.

The amendment was agreed to.

The next amendment was, on page 30, line 2, to increase the total appropriation for buildings and grounds from \$1,034,453 to \$1,035,443.

The amendment was agreed to.

The next amendment was, on page 30, after line 4, to insert:

For completing the necessary improvements at the United States Military Academy at West Point, N. Y., in accordance with the general plan approved by the Secretary of War, the limit of the total expenditure for this work fixed in the act of Congress approved June 28, 1902, is extended \$1,700,000, and the Secretary of War is authorized to proceed with the work under the conditions already prescribed for it by law: *Provided*, That all limitations and restrictions in the act approved June 28, 1902, shall apply to this increased authorization.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 48 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 1, 1906, at 12 o'clock meridian.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate May 31, 1906.*

### COLLECTOR OF CUSTOMS.

Henry T. Dunn, of Georgia, to be collector of customs for the district of Brunswick, in the State of Georgia.

### PROMOTIONS IN THE NAVY.

Ensign John J. Hyland to be a lieutenant (junior grade) in the Navy from the 1st day of July, 1905.

Lieut. (Junior Grade) John J. Hyland to be a lieutenant in the Navy from the 1st day of July, 1906.

Asst. Paymaster Ben D. McGee to be a passed assistant paymaster in the Navy from the 11th day of May, 1906.

Asst. Paymaster Noel W. Grant to be a passed assistant paymaster in the Navy from the 6th day of March, 1906.

Boatswain James Laven to be a chief boatswain in the Navy from the 16th day of May, 1906, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

Gunner Thomas S. Aveson to be a chief gunner in the Navy from the 29th day of June, 1905, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

P. A. Paymaster Donald W. Nesbit to be a paymaster in the Navy from the 18th day of March, 1906.

P. A. Paymaster John S. Higgins to be a paymaster in the Navy from the 4th day of May, 1906.

### POSTMASTERS.

#### CALIFORNIA.

James C. Allen to be postmaster at Tracy, in the county of San Joaquin and State of California.

Robert G. Benson to be postmaster at Oakdale, in the county of Stanislaus and State of California.

C. J. McDivitt to be postmaster at Randsburg, in the county of Kern and State of California.

#### ILLINOIS.

John Clark, to be postmaster at Moweaqua, in the county of Shelby and State of Illinois.

Arthur F. Duckett to be postmaster at Forrest, in the county of Livingston and State of Illinois.

Charles F. Hacker to be postmaster at Lacon, in the county of Marshall and State of Illinois.

William E. Ludlow to be postmaster at Griggsville, in the county of Pike and State of Illinois.

James W. Patterson to be postmaster at Braidwood, in the county of Will and State of Illinois.

Samuel B. Roach to be postmaster at Mason City, in the county of Mason and State of Illinois.

Jacob W. Stauffer to be postmaster at Pittsfield, in the county of Pike and State of Illinois.

#### IOWA.

Frank G. Atherton to be postmaster at Osage, in the county of Mitchell and State of Iowa.

Alonzo C. Boyle to be postmaster at McGregor, in the county of Clayton and State of Iowa.

#### KANSAS.

Laura Goodfellow to be postmaster at Fort Leavenworth, in the county of Leavenworth and State of Kansas.

Curt M. Higley to be postmaster at Cawker City, in the county of Mitchell and State of Kansas.

Frank Hobart to be postmaster at Glen Elder, in the county of Mitchell and State of Kansas.

Louisa Kerns to be postmaster at Oakley, in the county of Logan and State of Kansas.

Robert A. Marks to be postmaster at Oberlin, in the county of Decatur and State of Kansas.

Henry B. Van Nest to be postmaster at Peabody, in the county of Marion and State of Kansas.

#### MASSACHUSETTS.

George A. Ballard to be postmaster at Fall River, in the county of Bristol and State of Massachusetts.

Augustus W. Bearse to be postmaster at Middleboro, in the county of Plymouth and State of Massachusetts.

## NORTH CAROLINA.

James F. Parrott to be postmaster at Kingston, in the county of Lenoir and State of North Carolina.

Thomas F. Seehorn to be postmaster at Lenoir, in the county of Caldwell and State of North Carolina.

## SOUTH DAKOTA.

George B. Craft to be postmaster at Bellefourche, in the county of Butte and State of South Dakota.

Charles W. Siglinger to be postmaster at Webster, in the county of Day and State of South Dakota.

## HOUSE OF REPRESENTATIVES.

THURSDAY, May 31, 1906.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Tuesday, May 29, 1906, was read and approved.

## EXTENSION AND MAINTENANCE OF WHARVES, ETC., IN PORTO RICO.

The SPEAKER laid before the House the bill (H. R. 18502) to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying the harbor areas and navigable streams and bodies of water in or surrounding Porto Rico and the islands adjacent thereto, with Senate amendments.

The Senate amendments were read.

Mr. COOPER of Wisconsin. Mr. Speaker, I move that the House disagree to the Senate amendments and ask for a conference thereon.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin, that the House disagree to the Senate amendments and ask for a conference.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 150, noes 45.

Mr. WILLIAMS. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 216, nays 25, answered "present" 14, not voting 126, as follows:

## YEAS—216.

Acheson	Draper	Knowland	Roberts
Adams, Pa.	Driscoll	Lacey	Robinson, Ark.
Adams, Wis.	Dunwell	Landis, Chas. B.	Rodenberg
Alexander	Edwards	Lee	Rucker
Allen, Me.	Ellis	Le Fevre	Ruppert
Allen, N. J.	Esch	Lester	Russell
Beall, Tex.	Fassett	Lilley, Pa.	Ryan
Bede	Finley	Lindsay	Samuel
Bell, Ga.	Fitzgerald	Livingston	Schneebell
Bennett, Ky.	Fletcher	Lloyd	Scott
Birdsall	Foss	Longworth	Shartel
Boutell	Foster, Vt.	Loud	Sheppard
Bowers	French	McCall	Sherley
Brantley	Fulkerson	McCarthy	Sherman
Broocks, Tex.	Fuller	McCleary, Minn.	Sibley
Brooks, Colo.	Gaines, Tenn.	McCreary, Pa.	Smith, Cal.
Brown	Gaines, W. Va.	McKinlay, Cal.	Smith, Ill.
Brownlow	Garber	McKinley, Ill.	Smith, Iowa
Buckman	Gardner, Mass.	McKinney	Smith, Pa.
Burke, Pa.	Gardner, N. J.	McLain	Smith, Tex.
Burke, S. Dak.	Garner	McMorran	Smyser
Burleigh	Gilbert, Ind.	Madden	Snapp
Burton, Ohio	Gillespie	Mahon	Southall
Butler, Pa.	Goebel	Mann	Southwick
Butler, Tenn.	Graham	Marshall	Sperry
Calder	Gregg	Miller	Spight
Calderhead	Grosvenor	Minor	Stafford
Campbell, Kans.	Hale	Mondell	Steenerson
Campbell, Ohio	Hamilton	Moon, Tenn.	Stephens, Tex.
Candler	Haugen	Moore	Sterling
Capron	Hayes	Morrell	Stevens, Minn.
Cassel	Hedge	Murdock	Sullivan, Mass.
Chaney	Healin	Murphy	Sulloway
Chapman	Henry, Conn.	Needham	Sulzer
Cocks	Henry, Tex.	Nevin	Talbott
Cole	Hepburn	Norris	Tawney
Conner	Higgins	Olcott	Taylor, Ohio
Cooper, Pa.	Hinshaw	Olmsted	Thomas, Ohio
Cooper, Wis.	Hoar	Otjen	Tirrell
Cousins	Hogg	Overstreet	Townsend
Cromer	Hopkins	Page	Volstead
Crumacker	Houston	Palmer	Waldo
Currier	Howell, N. J.	Parsons	Wallace
Curtis	Howell, Utah	Patterson, S. C.	Wanger
Cushman	Humphreys, Miss.	Payne	Watson
Dalzell	Hunt	Perkins	Webb
Davidson	Jenkins	Pollard	Weeks
Davis, Minn.	Jones, Wash.	Powers	Weems
Dawes	Kahn	Prince	Wiley, N. J.
Dawson	Kelser	Pujo	Williams
De Armond	Kennedy, Nebr.	Ransdell, La.	Wilson
Deemer	Kennedy, Ohio	Reeder	Wood, N. J.
Denby	Kitchin, Claude	Rhodes	Young
Dixon, Ind.	Klepper	Rixey	Zenor

## NAYS—25.

Adamson	Clayton	Johnson	Sims
Burgess	Davey, La.	Kellher	Smith, Md.
Burleson	Davis, W. Va.	Kline	Underwood
Burnett	Floyd	Macon	Watkins
Byrd	Gill	Rainey	
Clark, Fla.	Griggs	Richardson, Ala.	
Clark, Mo.	Hay	Shackleford	

## ANSWERED "PRESENT"—14.

Bartlett	Glass	Humphrey, Wash.	Wiley, Ala.
Broussard	Greene	Kitchin, Wm. W.	Wood, Mo.
Brundidge	Hardwick	Mouser	
Dixon, Mont.	Hull	Padgett	

## NOT VOTING—126.

Aiken	Foster, Ind.	Lamb	Rhinock
Ames	Fowler	Landis, Frederick	Richardson, Ky.
Andrus	Gardner, Mich.	Law	Rives
Babcock	Garrett	Lawrence	Robertson
Bankhead	Gilbert, Ky.	Legare	Scroggy
Bannon	Gillett, Cal.	Lever	Slayden
Barchfeld	Gillett, Mass.	Lewis	Slomp
Bartholdt	Goldfogle	Lilley, Conn.	Small
Bates	Goulden	Littauer	Smith, Ky.
Beidler	Graft	Little	Smith, Samuel W.
Bennet, N. Y.	Granger	Littelfield	Smith, Wm. Alden
Bingham	Gronna	Lorimer	Southard
Bishop	Gudger	Loudenslager	Sparkman
Blackburn	Haskins	Lovering	Stanley
Bonyne	Hearst	McDermott	Sullivan, N. Y.
Bowersock	Hermann	McGavin	Taylor, Ala.
Bowie	Hill, Conn.	McLachlan	Thomas, N. C.
Bradley	Hill, Miss.	McNary	Towne
Brick	Hitt	Martin	Trimble
Burton, Del.	Holliday	Maynard	Tyndall
Cockran	Howard	Meyer	Van Duzer
Dale	Hubbard	Michalek	Van Winkle
Darragh	Huff	Moon, Pa.	Vreeland
Dickson, Ill.	Hughes	Mudd	Wachter
Dovener	James	Parker	Wadsworth
Dresser	Jones, Va.	Patterson, N. C.	Webber
Dwight	Ketcham	Patterson, Tenn.	Weisse
Ellerbe	Kinkaid	Pearre	Welborn
Field	Knapp	Pou	Wharton
Flack	Knopf	Randell, Tex.	Woodyard
Flood	Lafean	Reid	
Fordney	Lamar	Reynolds	

So the motion was agreed to.

The Clerk announced the following pairs:

For the vote:

Mr. BARCHFELD with Mr. BROUSSARD.  
Mr. BEIDLER with Mr. ELLERBE.  
Mr. BENNET of New York with Mr. HEARST.  
Mr. DARRAGH with Mr. LAMB.  
Mr. PEARRE with Mr. POU.

For the day:

Mr. BABCOCK with Mr. BANKHEAD.  
Mr. BANNON with Mr. FIELD.  
Mr. BINGHAM with Mr. JAMES.  
Mr. BISHOP with Mr. HOWARD.  
Mr. BLACKBURN with Mr. SMALL.  
Mr. BOWERSOCK with Mr. LEWIS.  
Mr. DICKSON of Illinois with Mr. WILLIAM W. KITCHIN.  
Mr. GILLETT of Massachusetts with Mr. McNARY.  
Mr. HUBBARD with Mr. MAYNARD.  
Mr. HUGHES with Mr. RANDALL of Texas.  
Mr. KETCHAM with Mr. COCKRAN.  
Mr. KNAPP with Mr. GOLDFOGLE.  
Mr. LAFEAN with Mr. JONES of Virginia.  
Mr. FREDERICK LANDIS with Mr. ROBERTSON of Louisiana.  
Mr. LOUDENSLAGER with Mr. RHINOCK.  
Mr. LAWRENCE with Mr. PATTERSON of Tennessee.  
Mr. LILLEY of Connecticut with Mr. REID.  
Mr. LITTAUER with Mr. LAMAR.  
Mr. LOVERING with Mr. PUJO.  
Mr. MOON of Pennsylvania with Mr. AIKEN.  
Mr. MUDD with Mr. STANLEY.  
Mr. RIVES with Mr. TOWNE.  
Mr. SAMUEL W. SMITH with Mr. SULLIVAN of New York.  
Mr. WM. ALDEN SMITH with Mr. MEYER of Louisiana.  
Mr. TYNDALL with Mr. VAN DUZER.  
Mr. VAN WINKLE with Mr. TRIMBLE.  
Mr. WACHTER with Mr. BUTLER of Tennessee.  
Mr. WOODYARD with Mr. RICHARDSON of Kentucky.

Until the 1st of June:

Mr. PARKER with Mr. BARTLETT.

Until Saturday:

Mr. GARDNER of Michigan with Mr. TAYLOR of Alabama.  
Until further notice:  
Mr. ANDRUS with Mr. THOMAS of North Carolina.  
Mr. BARTHOLDT with Mr. LITTLE.  
Mr. BATES with Mr. GRANGER.  
Mr. DALE with Mr. BOWIE.  
Mr. DEEMER with Mr. KLINE.  
Mr. DOVENER with Mr. SPARKMAN.

Mr. FOWLER with Mr. PADGETT.  
 Mr. GREENE with Mr. PATTERSON of North Carolina.  
 Mr. GRONNA with Mr. HILL of Mississippi.  
 Mr. HASKINS with Mr. LEVER.  
 Mr. HITT with Mr. LEGARE.  
 Mr. HUFF with Mr. WOOD of Missouri.  
 Mr. KNOFF with Mr. WEISSE.  
 Mr. LILLEY of Pennsylvania with Mr. GILBERT of Kentucky.  
 Mr. LITTLEFIELD with Mr. SMITH of Kentucky.  
 Mr. REYNOLDS with Mr. McDERMOTT.  
 Mr. SOUTHWICK with Mr. HARDWICK.  
 Mr. WELBORN with Mr. GUDGER.

For the session:

Mr. BRADLEY with Mr. GOULDEN.  
 Mr. HULL with Mr. SLAYDEN.  
 Mr. MOUSER with Mr. GARRETT.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will announce the following conferees.

The Clerk read as follows:

Mr. COOPER of Wisconsin, Mr. CRUMPACKER, and Mr. ZENOR.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 10953. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 6321. An act to amend an act entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," approved February 16, 1889, and the act amendatory thereof approved March 2, 1895.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1243) providing for compulsory education in the District of Columbia.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6321. An act to amend an act entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," approved February 16, 1889, and the act amendatory thereof approved March 2, 1895—to the Select Committee on Disposition of Useless Papers.

S. 5484. An act authorizing the Secretary of War to accept the tract of land at or near Greeneville, Tenn., where lie the remains of Andrew Johnson, late President of the United States, and establishing the same as a fourth-class national cemetery—to the Committee on Military Affairs.

#### LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I am directed by the Committee on Appropriations to report back the legislative, executive, and judicial appropriation bill with Senate amendments, with the recommendation that the Senate amendments be nonconcurrent in and a conference be asked.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Minnesota.

The question was taken; and the Chair announced that the ayes seemed to have it.

On a division (demanded by Mr. WILLIAMS) there were—ayes 201, noes 21.

Mr. WILLIAMS. Mr. Speaker, let us have the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 224, nays 18, answered "present" 17, not voting 122, as follows:

#### YEAS—224.

Acheson	Brooks, Colo.	Cushman
Adams, Pa.	Brown	Dalzell
Adams, Wis.	Brownlow	Davey, La.
Adamson	Brundidge	Davidson
Alexander	Buckman	Davis, Minn.
Allen, Me.	Burke, Pa.	Davis, W. Va.
Allen, N. J.	Burke, S. Dak.	Dawes
Beall, Tex.	Burleigh	Dawson
Bede	Burton, Ohio	De Armond
Bell, Ga.	Butler, Pa.	Deemer
Bennett, Ky.	Calder	Denby
Birdsall	Calderhead	Dixon, Ind.
Bonyng	Campbell, Kans.	Dixon, Mont.
Boutell	Campbell, Ohio	Draper
Brantley	Candler	Driscoll
Brick	Capron	Dunwell
		Curtis

Edwards	Houston	Mahon	Sheppard
Ellis	Howell, N. J.	Mann	Sherley
Esch	Howell, Utah	Marshall	Sherman
Fassett	Humphrey, Wash.	Minor	Sibley
Finley	Humphreys, Miss.	Mondell	Slomp
Fitzgerald	Hunt	Moon, Tenn.	Smith, Cal.
Fletcher	Jones, Wash.	Moore	Smith, Ill.
Foss	Kahn	Murdock	Smith, Md.
Foster, Ind.	Kelfer	Murphy	Smith, Ia.
Foster, Vt.	Kellher	Needham	Smayser
French	Kennedy, Nebr.	Nevin	Snapp
Fulkerson	Kennedy, Ohio	Norris	Southall
Fuller	Kinkaid	Olcott	Southwick
Gaines, Tenn.	Kitchin, Claude	Olmsted	Spight
Gaines, W. Va.	Klepper	Otjen	Stafford
Gardner, Mass.	Kline	Overstreet	Steenerson
Gardner, N. J.	Knowland	Page	Sterling
Garner	Lamar	Parsons	Stevens, Minn.
Gilbert, Ind.	Landis, Chas. B.	Patterson, S. C.	Sullivan, Mass.
Gill	Lee	Payne	Sulloway
Gillespie	Le Fevre	Pearre	Sulzer
Glass	Lester	Perkins	Talbott
Goebel	Lindsay	Pollard	Tawney
Graham	Littauer	Powers	Taylor, Ohio
Gregg	Livingston	Prince	Thomas, Ohio
Griggs	Lloyd	Pujo	Tirrell
Grosvenor	Longworth	Reeder	Townsend
Hale	Lorimer	Rhodes	Volstead
Hamilton	Loud	Richardson, Ala.	Waldo
Haugen	McCall	Rixey	Wallace
Hay	McCarthy	Roberts	Wanger
Hayes	McCleary, Minn.	Rodenberg	Watson
Hedge	McCreary, Pa.	Rucker	Webb
Henry, Conn.	McKinlay, Cal.	Ruppert	Weeks
Henry, Tex.	McKinley, Ill.	Russell	Weems
Hermann	McKinney	Ryan	Wharton
Higgins	McLachlan	Samuel	Wiley, N. J.
Hill, Conn.	McLain	Schneebell	Wood, N. J.
Hoar	McMorran	Scott	Young
Hogg	Madden	Shackleford	Zenor

#### NAYS—18.

Broocks, Tex.	Byrd	Macon	Underwood
Broussard	Floyd	Ransdell, La.	Watkins
Burgess	Garber	Robinson, Ark.	Williams
Burleson	Hedlin	Sims	
Burnett	Hopkins	Stephens, Tex.	

#### ANSWERED "PRESENT"—17.

Andrus	Flood	Kitchin, Wm. W.	Small
Bartlett	Greene	Lilley, Pa.	Sparkman
Bowers	Hardwick	Mouser	
Butler, Tenn.	Hull	Padgett	
Dale	Johnson	Rainey	

#### NOT VOTING—122.

Alken	Gillett, Cal.	Legare	Scroggy
Ames	Gillett, Mass.	Lever	Shartel
Babcock	Goldfogle	Lewis	Slayden
Bankhead	Goulden	Lilley, Conn.	Smith, Iowa
Bannon	Graft	Little	Smith, Ky.
Barchfeld	Granger	Littlefield	Smith, Samuel W.
Bartholdt	Gronna	Loudenslager	Smith, Wm. Alden
Bates	Gudger	Lovering	Smith, Tex.
Beidler	Haskins	McDermott	Southard
Bennet, N. Y.	Hearst	McGavin	Sperry
Bingham	Hepburn	McNary	Stanley
Bishop	Hill, Miss.	Martin	Sullivan, N. Y.
Blackburn	Hinshaw	Maynard	Taylor, Ala.
Bowersock	Hitt	Meyer	Thomas, N. C.
Bowie	Holliday	Michalek	Towne
Bradley	Howard	Miller	Trimble
Burton, Del.	Hubbard	Moon, Pa.	Tyndall
Cockran	Huff	Morrell	Van Duzer
Darragh	Hughes	Mudd	Van Winkle
Dickson, Ill.	James	Palmer	Vreeland
Dovener	Jenkins	Parker	Wachter
Dresser	Jones, Va.	Patterson, N. C.	Wadsworth
Dwight	Ketcham	Patterson, Tenn.	Webber
Ellerbe	Knapp	Pou	Weisse
Field	Knopf	Randell, Tex.	Welborn
Flack	Lacey	Reid	Wiley, Ala.
Fordney	Lafean	Reynolds	Wilson
Fowler	Lamb	Rhinoek	Wood, Mo.
Gardner, Mich.	Landis, Frederick	Richardson, Ky.	Woodyard
Garrett	Law	Rives	
Gilbert, Ky.	Lawrence	Robertson, La.	

So the motion was agreed to.

The Clerk announced the following additional pairs:

For the balance of the day:

Mr. JENKINS with Mr. LAMB.

Mr. BENNET of New York with Mr. HEARST.

Mr. BEIDLER with Mr. ELLERBE.

For this vote:

Mr. BARCHFELD with Mr. POW.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. OLMSTED in the chair). The Clerk will announce the conferees.

The Clerk read as follows:

Mr. LITTAUER, Mr. BINGHAM, and Mr. LIVINGSTON.

#### SUNDY CIVIL BILL.

Mr. TAWNEY, from the Committee on Appropriations, reported the bill (H. R. 19844) making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on

the state of the Union, and, with the accompanying report, was ordered to be printed.

Mr. UNDERWOOD. Mr. Speaker, I understand that that is the report of the sundry civil bill by the Appropriations Committee.

The SPEAKER pro tempore. That is correct.

Mr. UNDERWOOD. Mr. Speaker, I desire to reserve all points of order.

#### DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 19264) making appropriation for the diplomatic and consular service for the fiscal year ending June 30, 1907.

The question was taken; and the Speaker pro tempore announced that the yeas seem to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided; and there were—yeas 118, noes 44.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 194, nays 31, answered "present" 18, not voting 138, as follows:

#### YEAS—194.

Acheson	Dunwell	Kinkaid	Ryan
Adams, Pa.	Edwards	Klepper	Samuel
Alexander	Ellis	Kline	Schneebell
Allen, Me.	Esch	Knowland	Scott
Allen, N. J.	Fassett	Lamar	Shackleford
Barchfeld	Fitzgerald	Landis, Chas. B.	Sheppard
Bede	Fletcher	Lindsay	Sherley
Bennett, Ky.	Flood	Littauer	Sherman
Birdsall	Foss	Livingston	Sibley
Bonyng	Foster, Ind.	Lloyd	Sims
Boutell	Foster, Vt.	Longworth	Slomp
Brantley	French	Lorimer	Smith, Cal.
Brick	Fulkerson	McCall	Smith, Ill.
Brocks, Tex.	Fuller	McCarthy	Smith, Md.
Brown	Gaines, Tenn.	McCreary, Pa.	Smith, Pa.
Brownlow	Gaines, W. Va.	McKinlay, Cal.	Smyser
Buckman	Garber	McKinley, Ill.	Snapp
Burke, Pa.	Gardner, Mass.	McKinney	Southall
Burke, S. Dak.	Gardner, N. J.	McLachlan	Southwick
Burleigh	Garner	McMorran	Spight
Burton, Ohio	Gillett, Cal.	Madden	Stafford
Butler, Pa.	Goebel	Mahon	Sterling
Calder	Graham	Mann	Stevens, Minn.
Calderhead	Gregg	Marshall	Sullivan, Mass.
Campbell, Kans.	Grosvenor	Moon, Tenn.	Sulloway
Campbell, Ohio	Hale	Murdock	Sulzer
Capron	Hamilton	Murphy	Tawney
Cassel	Haugen	Murphy	Taylor, Ohio
Chaney	Hay	Nevin	Thomas, Ohio
Chapman	Hayes	Olcott	Tirrell
Cole	Hearst	Olmsted	Townsend
Conner	Hedge	Osten	Volstead
Cooper, Pa.	Henry, Conn.	Overstreet	Waldo
Cooper, Wis.	Hermann	Parsons	Wallace
Cousins	Higgins	Payne	Wanger
Cromer	Hill, Conn.	Pearre	Watkins
Crumacker	Hoar	Perkins	Watson
Curtis	Hogg	Pollard	Webb
Cushman	Hopkins	Powers	Weeks
Dalzell	Houston	Prince	Weems
Darragh	Howell, N. J.	Pujo	Wharton
Davidson	Howell, Utah	Ransdell, La.	Wiley, N. J.
Davis, Minn.	Humphrey, Wash.	Reeder	Williams
Dawes	Hunt	Rhodes	Wilson
Dawson	Jones, Wash.	Rixey	Wood, N. J.
De Armond	Kahn	Roberts	Young
Denby	Kelher	Rodenberg	Zenor
Draper	Kennedy, Nebr.	Rucker	
Driscoll	Kennedy, Ohio	Ruppert	

#### NAYS—31.

Adamson	Butler, Tenn.	Gillespie	Moore
Beall, Tex.	Clark, Fla.	Griggs	Page
Bell, Ga.	Clark, Mo.	Heffin	Patterson, S. C.
Bowers	Clayton	Henry, Tex.	Richardson, Ala.
Brundidge	Davis, W. Va.	Kitchin, Claude	Robinson, Ark.
Burgess	Dixon, Ind.	Lee	Smith, Tex.
Burleson	Ellerbe	McLain	Underwood
Burnett	Floyd	Macon	

#### ANSWERED "PRESENT"—18.

Andrus	Greene	Lever	Small
Bartlett	Hardwick	Lilley, Pa.	Sparkman
Currier	Hull	Mouser	Wood, Mo.
Dale	Humphreys, Miss.	Padgett	
Finley	Kitchin, Wm. W.	Rainey	

#### NOT VOTING—138.

Adams, Wis.	Bowie	Dresser	Goulden
Aiken	Bradley	Dwight	Graft
Ames	Brooks, Colo.	Field	Granger
Babcock	Broussard	Flack	Gronna
Bankhead	Burton, Del.	Fordney	Gudger
Bannon	Byrd	Fowler	Haskins
Bartholdt	Candler	Gardner, Mich.	Hepburn
Bates	Cockran	Garrett	Hill, Miss.
Beidler	Cocks	Gilbert, Ind.	Hinslaw
Bennet, N. Y.	Davey, La.	Gilbert, Ky.	Hitt
Bingham	Deemer	Gill	Holliday
Bishop	Dickson, Ill.	Gillett, Mass.	Howard
Blackburn	Dixon, Mont.	Glass	Hubbard
Bowersock	Dovener	Goldfogle	Huff

Hughes	Littlefield	Patterson, N. C.	Steenerson
James	Loud	Patterson, Tenn.	Stephens, Tex.
Jenkins	Loudenslager	Rou	Sullivan, N. Y.
Johnson	Lovering	Randell, Tex.	Talbot
Jones, Va.	McCleary, Minn.	Reid	Taylor, Ala.
Kelfer	McDermott	Reynolds	Thomas, N. C.
Ketcham	McGavin	Rhinoek	Towne
Knapp	McNary	Richardson, Ky.	Trimble
Knopf	Martin	Rives	Tyndall
Lacey	Maynard	Robertson, La.	Van Duzer
Lafean	Meyer	Russell	Van Winkle
Lamb	Michalek	Scroggy	Vreeland
Landis, Frederick	Miller	Shartel	Wachter
Law	Minor	Slayden	Wadsworth
Lawrence	Mondell	Smith, Iowa	Webber
Le Fevre	Moon, Pa.	Smith, Ky.	Welsse
Legare	Morrell	Smith, Samuel W.	Welborn
Lester	Mudd	Smith, Wm. Alden	Wiley, Ala.
Lewis	Norris	Southard	Woodyard
Lilley, Conn.	Palmer	Sperry	
Little	Parker	Stanley	

So the motion was agreed to.

The following additional pairs were announced:

For the session:

Mr. CURRIER with Mr. FINLEY.

For the balance of the day:

Mr. WADSWORTH with Mr. CANDLER.

On this vote:

Mr. BEIDLER with Mr. STEPHENS of Texas.

Mr. GILBERT of Indiana with Mr. TALBOTT.

Mr. SMITH of Iowa with Mr. JOHNSON.

Mr. MORRELL with Mr. RUSSELL.

The result of the vote was then announced as above recorded.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, with Mr. CURTIS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the diplomatic and consular appropriation bill.

The Clerk read as follows:

#### INTERNATIONAL BUREAU OF THE PERMANENT COURT OF ARBITRATION.

To meet the share of the United States in the expenses for the year 1905 of the International Bureau of the Permanent Court of Arbitration, created under article 22 of the convention concluded at The Hague July 29, 1899, for the pacific settlement of international disputes, \$1,250.

Mr. SULZER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. SULZER. Mr. Chairman, on the first day of this Congress, namely, on December 4, 1905, I introduced the bill (H. R. 2799) for the relief of the victims of the *General Slocum* disaster. The bill is a very short one, and I send it to the Clerk's desk and ask to have it read in my time, in order that it may be printed in the RECORD as a part of my remarks.

The Clerk read as follows:

A bill for the relief of the victims of the *General Slocum* disaster.

Be it enacted, etc., That the Court of Claims is hereby invested with jurisdiction and authorized and directed to hear, examine into, determine, and adjudicate the claims of the victims, their heirs, executors, administrators, or assigns, of the *General Slocum* disaster, which occurred in the East River, New York Harbor, on the 15th day of June, 1904, by the burning of the said steamer *General Slocum*, and award to them and each of them such damages as may be just and equitable in the premises; and the said Court of Claims shall ascertain and fix the amount of all such damages to which each or any of the survivors of the said *General Slocum* disaster, or the heirs, executors, administrators, or assigns of any of those who lost their lives, shall be entitled to, and render judgment therefor in favor of said claimants, their heirs, executors, administrators, or assigns; and the amount of such judgment is hereby appropriated, and shall thereupon be paid by the Secretary of the Treasury to said claimant or claimants, their executors, administrators, or assigns, out of any money in the Treasury not otherwise appropriated; and the statute of limitations on the part of the Government is hereby waived.

Mr. SULZER. Mr. Chairman, that bill speaks for itself, and relates to one of the saddest and one of the most deplorable catastrophes that ever happened in the history of this country—the burning and destruction of the excursion steamer *General Slocum* in the East River, New York Harbor, on the 15th day of June, 1904, by which over 1,000 men, women, and children—mostly children—lost their lives, and hundreds of others were maimed and scarred and disfigured for life.

No words of mine, sir, can adequately describe in all its saddening details the heartrending and sickening scenes of that lamentable tragedy. The lives of entire families were wiped out in almost the twinkling of an eye, and the fearful horrors of it all cast a black pall upon the first city of the land and brought tears to the eyes of every sympathetic inhabitant of our country. The awful story of this unprecedented calamity can never be, and will never be, forgotten.

The *General Slocum* was an excursion steamer plying in and around the harbor of the city of New York. On the 15th day of June, 1904, the steamer was chartered to carry an excursion

party consisting of over 1,500 souls—men, women, and children—from St. Mark's German Lutheran Church, which is located in the heart of my Congressional district. It was the Sunday school's annual holiday outing. These excursions are of frequent occurrence in the city of New York during the summer months and are social events of much importance in the lives of the people in the thickly populated sections. All the members of the church, with their families and their friends, took advantage of the opportunity afforded by this Sunday school picnic to go on this outing and have an enjoyable time. The occasion was to be a glad holiday in their uneventful lives.

The *General Slocum* left her wharf early on that fateful morning, freighted with her human cargo, and started on her trip up the East River. It was a beautiful summer's day; the steamer was crowded; all her flags were gayly flying; merry music was playing; happy children singing and laughing; parents and friends talking over the topics of the day, and as the steamer wended her way all on board was joy and merriment. She had not proceeded far up the East River, however, when the terrible cry of fire startled the passengers. In less time than it takes to tell it flames burst forth from several parts of the steamer and, fanned by the breeze, quickly enveloped the boat. Amid cries and confusion that beggar description, and with a startling suddenness that can not be pictured in words, a most frightful scene ensued, too horrible for narration. Suffice it for me to say that in all the annals of our country nothing like it ever occurred before, and I pray to God that nothing like it will ever happen again.

The captain of the steamer lost his head, as so often happens under similar circumstances—he was no Jim Bludsoe—and instead of immediately beaching the steamer, as he should have done, he ran her up the river several miles in the teeth of the increasing wind, where she finally grounded near North Brothers Island, a charred and blackened wreck.

Oh, the pitiable scenes that ensued! The life preservers were rotten. The fire apparatus useless. The crew raw deck hands who were never drilled and tried only to save themselves. Pandemonium reigned, and amid the tumult and the shouting and the scorching flames, hundreds and hundreds of helpless men, women, and children, caught like rats in a trap, were burned to a crisp on the ship, and hundreds and hundreds of others, just as helpless, were scorched and burned until, frantic, they threw themselves into the rushing waters only to be drowned. It is too terrible a scene to contemplate even now. Fathers who were there lost their reason, and mothers, unable to save their children went mad. The frightful horrors of it all will never be effaced from the memory of this generation. It took strong men to investigate and write what they saw, and the horror-stricken country shrank from reading its sickening details.

The city of New York was shocked and appalled by the awfulness of the calamity, but her generous citizens rendered all the aid within their power. A large section of the first city in the land was devastated of the living, and thousands and thousands of her inhabitants were weeping and mourning for their dead and refused to be comforted. The church bells tolled, the flags were at half mast, for blocks and blocks crape was on every door, and a great city stopped its activities, stunned by the appalling magnitude of the indescribable loss of human life.

The funerals of the victims lasted for more than a week and taxed the best energies of all the undertakers. The distress and the misery, the sorrow and the lamentation following this frightful tragedy can never be forgotten, and the saddening scenes were heartrending to witness. The city of New York responded promptly and nobly, as it always does in all calamities. The sympathetic people did all they could for the unfortunate dead and the injured living, but, after all, how impotent they were in their poor human ways to do more than bury the stricken dead and comfort the burned and injured living.

Mr. Chairman, I know whereof I speak. I was in the city of New York at the time, and as soon as I heard of the tragedy I went to the awful wreck to render such aid as I could, and hence I witnessed much of these frightful and distressing scenes. Most of these unfortunate people were my constituents; many of them my personal friends. I rendered all the assistance I could for them at the time, and since then I have been doing all in my power to aid them to get justice. I know all the sad facts and details in this awful case. All my sympathy is now, always has been, and always will be, with these poor and stricken people. I know and I love the people on the great east side of the city of New York whose ranks were so cruelly decimated by this pitiable tragedy. They are among the kindest, the most intelligent, the most charitable, the most generous, and the most sympathetic people in all the world. They are poor, but they are frugal and honest and industrious. They did all in their power to relieve the suffering and comfort their broken

hearted neighbors. Their heroic efforts, their heartfelt sympathy, and their noble generosity will never be forgotten. They were the true heroes and the true heroines of the tragedy. But after the dead were buried and the widows and orphans cared for, there went up a Macedonian cry, an indignant demand, form all over the land for a thorough and rigid investigation of this awful calamity, with a view of fixing the responsibility for the terrible loss of life. Somebody had been negligent, and the negligence was criminal.

The Government ordered an investigation. That investigation dragged its slow length along and lasted for weeks and months, and the testimony and findings in the matter filled a book, with the contents of which many here are thoroughly familiar. It was ascertained by this governmental investigation and by other inquiries, official and unofficial, that the terrible loss of life incident to this lamentable tragedy could have been prevented if the officials of the Government charged with the responsibility had performed their duty in accordance with the law. It was proven conclusively that the life-preservers and the fire apparatus on board of the *General Slocum* were old and worn-out and absolutely useless, and this fire apparatus and these life-preservers had only recently been inspected by the Government inspectors, who had passed them as being in compliance with the provisions of the statutes of the United States. The law had been flagrantly violated. The testimony proves conclusively that if these inspectors of the Government had done their duty and enforced the law the frightful loss of life never would have occurred.

After the official investigations had conclusively demonstrated the criminal negligence of these Federal officials some of them were indicted, and some of them have been tried, and others are yet to be tried. The captain of the steamer has been convicted and sentenced to a long term of imprisonment. But these prosecutions and these convictions can not bring back to life the dead, can not restore to the living the loss they have sustained in the death of their beloved relatives and guardians, and can not compensate the injured and the maimed and the deformed. There must be financial relief in the nature of substantial damages for these poor people. No act to-day of the Government, civil or criminal, can make just restitution to these unfortunate citizens who went aboard that ill-fated steamer on that memorable day, full of hope and of life, for the irreparable losses they have sustained through the Government's negligence.

Mr. Chairman, I take a deep and an abiding interest in the welfare of these people. Nearly all the victims of this terrible tragedy lived in my Congressional district. Many of them I knew and have known for years. They were and are my friends, and from the day of the catastrophe down to the present time, in season and out of season, my heart and my sympathy have gone out to them, and I have done all in my power to render them such assistance as I possibly could. Many of them lost all that they had, and they have no remedy except through the enactment of a measure similar to the bill I have introduced in their behalf. It is a just bill and a fair bill, and it ought to meet the approval of the Members of this House and be enacted into law. The Government, by reason of the gross negligence of its officials, was, directly or indirectly, responsible for this frightful loss of life. The findings of the investigating committees conclusively prove it. These people—these victims—want their day in court, and can only get it by this bill of mine. Shall we deny them justice?

Mr. Chairman, there is no way under existing law by which these unfortunate and destitute people can secure relief, in law or equity, save by an act of Congress, and in view of this fact I assert that my bill should become a law. Under the present law the victims can not recover damages from the owners of the vessel. This may seem strange to those who do not know the law, or have not investigated the facts, but under an old section of the United States Revised Statutes (sec. 4289), there is no personal liability to the owners of vessels used in rivers or inland navigation. Here is a wrong without a remedy. I think this old law should be changed, and I introduced a bill (H. R. 3112) on December 5, 1905, to amend that old and unjust statute. I have the bill here, and as it is very short I will read it. I know my time is limited, but it will only take a minute. It is entitled "A bill to amend section 4289 of the Revised Statutes of the United States," and reads as follows:

Be it enacted, etc., That section 4289 of the Revised Statutes of the United States be amended so as to read as follows:

"Sec. 4289. The provisions of the seven preceding sections of this title, relating to the limitation of the liability of the owners of vessels, shall not apply to the owners of any canal boat, barge, or lighter, or to any vessel of any description whatsoever used in rivers or inland navigation: *Provided, however,* That the owner or owners of any steamer or vessel of any character carrying passengers on any bay, harbor, lake, river, sound, or inland waters of the United States be not entitled to avail himself, itself, or themselves, of the provisions of the seven preceding sections of this act, if the loss of life and per-

sonal injuries, or loss or damage be caused or contributed to by the insufficiency or incompetency of the officers or crew, or the omission to comply with all or any of the provisions of title 52 of these statutes."

The proviso is the amendment I propose to make the owners of these excursion steamboats personally liable in damages, and I say it is a good bill, and a measure of immediate importance, and it ought to be passed, but thus far the Republicans of this House have treated it with the same silent contempt that they have the bill for the relief of the victims of the *Slocum* disaster.

Now, Mr. Chairman, there was a hearing on my bill for the relief of the victims of the *General Slocum* disaster before the Committee on Claims—a very largely attended hearing—and many speeches were made in favor of the bill by eloquent gentlemen from New York City. I was there and spoke in favor of the bill, and I want to say that I have done everything in my power to get the Committee on Claims to report the bill to the House, but thus far without avail. I am informed the committee is opposed to the bill, and ultimately intend to report it adversely; but I hope it will be reported, without further delay, one way or the other, so that this House can take official action in regard to the matter and determine the rights of these unfortunate victims.

Mr. Chairman, this bill briefly provides that the Court of Claims of the United States Government be invested with jurisdiction to adjudicate this matter to ascertain if the Government is responsible by reason of the negligence of its officials; and if the court finds, in the first instance, that the Government was guilty of negligence, that then the court shall hear and audit the claims and render such judgment in damages to the claimants as may be fair and just and proper in the premises. That is all the bill does. It is a very simple bill, and it means just what it says and says just what it means. Not a dollar will be taken out of the Treasury by reason of the enactment of this bill unless the Court of Claims—the Government court created for the purpose of protecting the rights of the people and the Government, and known from the day of its creation down to the present time to always favor the Government if there is a single doubt as to the justice of a claim—finds as a matter of law or equity that the claims of these victims are honest and just and proper claims against the Government.

Sir, I want to impress on the Members of Congress the justice of this measure, the humanity of it, and its absolute legality, and to say that if any Member of this House, or anybody else, for that matter, has any fear that by reason of its enactment the Government will be charged with the payment of a large sum of money in damages, I beg that gentleman to remember that this bill simply gives the court the right to ascertain if the Government is liable, and then, if the Government is liable, to award such damages to those who are entitled to damages as may be fair and just and equitable. In other words, to do impartial justice; and every man connected with this Government knows that the Court of Claims never gives a dollar to any citizen unless the Government ought to pay the money. I have no fear about the Government being mulcted in damages. I feel that the court can be trusted to do impartial justice in the premises, and I know that the victims of this catastrophe will never receive one dollar more than they are justly entitled to receive. These unfortunate people want their day in court—that it all. Will Congress refuse them this inherent right?

Now, Mr. Chairman, I observe my time is nearly exhausted, but ere I take my seat I want to give notice that I shall keep up the fight for these victims of the *General Slocum* disaster, in which over 1,000 human lives were lost, until justice is done; and I demand, in the name of fairness and decency, that the Committee on Claims without more delay make a report on my bill, either favorably or unfavorably, so that the Members of this House can take some action of a decisive character in regard to the matter. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. Mr. Chairman, I ask unanimous consent to print some data as part of my remarks in the Record in connection with this subject.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The data referred to is as follows:

[Editorial from the Schenectady Evening Star, January 18, 1906.]

#### REWARD THE SURVIVORS.

A bill has been introduced in the House of Representatives by Mr. WILLIAM SULZER, of New York, for the relief of the victims of the *General Slocum* disaster, which occurred in New York Harbor on June 15, 1904. The bill invests the Court of Claims with jurisdiction to hear and determine the claims of the victims of this horrible catastrophe and award to the heirs of the victims and the survivors such damages in the premises as may be just. There is no way by which

these poor unfortunate and destitute people can secure any relief except by an act of Congress, and in view of the fact that the Government was primarily responsible for the disaster, the measure of which Mr. SULZER is father should become a law. The bill is as follows:

"Be it enacted, etc., That the Court of Claims is hereby invested with jurisdiction and authorized and directed to hear, examine into, determine, and adjudicate the claims of the victims, their heirs, executors, administrators, or assigns, of the *General Slocum* disaster, which occurred in the East River, New York Harbor, on the 15th day of June, 1904, by the burning of the said steamer *General Slocum*, and award them and each of them such damages as may be just and equitable in the premises; and the said Court of Claims shall ascertain and fix the amount of all such damages to which each or any of the survivors of the said *General Slocum* disaster, or their heirs, executors, administrators, or assigns, or any of those who lost their lives, shall be entitled to, and render judgment therefor in favor of said claimants, their heirs, executors, administrators, or assigns; and the amount of such judgment is hereby appropriated and shall thereupon be paid by the Secretary of the Treasury to said claimant or claimants, their executors, administrators, or assigns, out of any money in the Treasury not otherwise appropriated; and the statute of limitation on the part of the Government is hereby waived."

This is a just and reasonable measure and it should receive the support of the Members of the House of Representatives and the Senators. There is plenty of evidence to show that the horrible catastrophe was caused by the negligence of the officials of the United States Government, and it is no more than fair that in return the Court of Claims should have the power to determine the claims in order that these people, many of whom are orphans without any means of support and living on the charity of their friends, may secure relief.

[Editorial from the Buffalo Times, January 19, 1906.]

#### THE SLOCUM SUFFERERS.

A bill for the relief of the surviving victims of the *General Slocum* disaster, which occurred in New York Harbor on the 15th of June, 1904, has been introduced in the House of Representatives by Mr. SULZER, of New York. The bill invests the Court of Claims with jurisdiction to hear and determine the claims of the sufferers in the disaster and award to the heirs of the dead and the survivors such damages in the premises as may be meet and just.

The United States Government was primarily responsible for this disaster, by which over 1,000 men, women, and children lost their lives. Under the law there is no redress for the sufferers. The Sulzer bill is the only method by which these unfortunate and destitute people can obtain any relief. It seems to be an eminently fair bill, and its passage is urged by many thousands of petitioners.

[Editorial from the Brooklyn Times, January 15, 1906.]

#### PASS THIS BILL AT ONCE.

The Organization of the *General Slocum* Survivors, of which Charles Dersch is president and Fred W. Hotz secretary, has a deep interest in a bill which the Hon. WILLIAM SULZER has introduced into Congress. The aim of the bill, which is officially known as "H. R. No. 2799," is to permit all those who rightly have claims because of the terrible steamship disaster of June 15, 1904, to present their claims to the United States Court of Claims. The bill also appropriates such damages as the court may see fit to award, and directs the Secretary of the Treasury to pay them.

It is just a year and a half since New York City and the country shrank from reading the details of the *General Slocum* horror, when more than a thousand women and little children were either roasted to death or drowned in the East River, near one of the city's islands. It was too terrible an occasion to dwell upon. It made strong men pale and women who were in no way connected with the fatality to weep. The story dragged its weary length through the papers for many days, but only the most courageous dared to read the incidents. It took strong men to investigate and to write of what they saw. Reporters who were hardened to serious sights sickened at this task.

At once this generous city sprang to the relief of those who had been the more piteously bereft of means of support. Quite a sum was freely given for immediate relief. But great as was this amount, it was but temporary. It did not suffice to maintain the homes whose breadwinners were gone. It did not recompense those friends to which the mothers and the children will never return. In no way have the survivors or the near relatives of those who were lost been properly recompensed for the agony endured.

The question which at once arises is, To whom shall these people turn for this aid? Shall it be to the State, to the city, or to the National Government? Without hesitation the Brooklyn Times would declare that it is to the Government at Washington that they should go, as they have, through the instrumentality of the bill which Mr. SULZER has introduced for them. The Government should receive and adjust and pay these claims. The Government is directly responsible for this disaster. The *General Slocum* was under Government supervision. It was Government inspectors that had passed her powdered-cork life-preservers and had allowed such a floating coffin to ply in these waters. It was Government law which limited the liability of the owners of this vessel, the Knickerbocker Steamship Company, to the value of the burned hulk. It was under Government regulations that this death trap set sail, manned, as she was, for the most part, by wharf rats devoid of all manly sentiments.

This organization has turned in the right direction for help. Congress is a slow mill in adjusting these matters. But in this case all that is kindly, all that is sympathetic in the hearts of its Members should respond, and respond promptly, to this appeal. H. R. No. 2799 should pass at this session of Congress.

[Editorial from the Washington Post, February 15, 1905.]

#### AGAIN THE SLOCUM HORROR.

The Boston Post is one of many newspapers that have noted with approbation all the steps that have been taken in the work of reforming the Steamboat-Inspection Service since the *Slocum* horror exposed its disgraceful and criminal inefficiency. Our Boston contemporary refers to the various bills on this subject recently passed by the House of Representatives, and which will soon become laws, and adds: "The needlessness of the *General Slocum* disaster will rankle so long as the present generation remains on the stage. It was such a stupendous exhibition of the disregard of human life! And not the least guilty participant in the crime was Uncle Sam."

If the responsibility for that calamity—or for the conditions that

produced it—could be located on one, or a dozen, or a hundred men, it might not be possible, under the laws as they existed at the time of its occurrence, to punish them according to their deserts, but they would be almost universally regarded as among the most despicable of human beings. It is true—shamefully true—that “not the least guilty participant in the crime was Uncle Sam;” in other words, the Government of the United States, as represented by a single branch of the public service. Gross betrayal of the confidence of the American people, a people who are always ready to be taxed to any extent needful for the protection of life on our rivers, harbors, coasts, and lakes, was an exasperating feature of that tragedy. Calmly considered in the light of all that has transpired in this connection since that awful slaughter startled the country and shocked the civilized world, it may be set down as the product of the worst betrayal of public confidence, the most wicked default on a public trust, that has ever occurred in our history. And it is scarcely conceivable that any future event will dislodge it from that place.

But the Post regrets the necessity of remarking for the fifth time, and in the interest of justice and fair play, that the country has an indisputable right to information on this subject which has been persistently withheld. It has a right to know whether or not there was any truth in the statement made when the *Slocum* tragedy occurred to the effect that the inspection service owed its shameful condition to remission of penalties imposed for violations of law. If no remissions were made, let that fact be officially stated, and that will effectually dispose of the matter. But if remissions were made, the country has a right to know when, by whom, to whom, and for what reasons. And in course of time, although it may be a long time, this information will be given out. The zeal displayed in reforming the inspection service is all right, but the mere fact that so much reforming is needed discredits the past of that service. And before the subject is permitted to pass to the rear the Administration should let the country know all about the remission of penalties. Here is a case as to which publicity is the only proper course.

Thousands and thousands of petitions similar to the following, signed by thousands and thousands of citizens from all over the country, have been sent to Congress and are on file in the Committee on Claims:

ORGANIZATION OF THE “GENERAL SLOCUM” SURVIVORS.

[Chas. Dersch, president, 76 First avenue, New York. Fred. W. Hotz, secretary, 70 Bedford street.]

To the Members of the House of Representatives and the Senators of the United States Congress:

GENTLEMEN: We, the undersigned, the committee heretofore duly appointed for the relief of the victims of the *General Slocum* disaster, by which over 1,000 lives were lost on the 15th day of June, 1904, in the harbor of New York, by the burning of the steamer *General Slocum*, respectfully urge and request you to vote for, and aid all you consistently can to pass, the bill introduced in the House of Representatives by Mr. WILLIAM SULZER, of New York City, on the 4th day of December, 1905, for the relief of the victims of the *General Slocum* disaster.

This horrible catastrophe was caused by the negligence of the officials of the United States Government, and the Government is primarily responsible in damages to the victims and their heirs, and the survivors, who were injured and maimed. Under the law these people have no redress except through Congressional action.

This is a just and reasonable measure, and the whole matter can be determined in a spirit of equity by the said Court of Claims.

Under all the circumstances, we respectfully urge Congressional action at this session of Congress, and hope you can see your way clear to give your earnest support to this worthy measure, in order that these poor and destitute people, many of whom are orphans without any means of support, and living on the charity of their friends, may secure some relief from the Government of the United States, the negligence of whose officials caused this horrible tragedy.

Dated, New York, January 3, 1906.

Very respectfully, yours,

CHAS. DERSCH.  
FRED. W. HOTZ.  
HENRY G. KOEPLER.  
GEO. WUNNER.

Mr. SHERMAN. I move to strike out the last two words, not for the purpose of making any remarks on this bill, but to ask unanimous consent to print in the RECORD some remarks made by Mr. Shaw, Secretary of the Treasury, at St. Louis, which I append.

Before the Missouri League of Republican Clubs, Hon. Leslie M. Shaw, Secretary of the Treasury, speaking on national issues, in part said:

Political parties are indispensable to republics. Formulated political principles believed in, well defined and clearly expressed political policies adhered to, are essential to the perpetuity and progress of the nation. Prominent, if not paramount, among the political evils which confront us, I count the trend toward the obliteration of party lines.

The fatal weakness of our political opponents is their incoherency. They believe nothing; they teach nothing; they have no plans, no policies, no purposes. Enough of them believe in free trade so that their platform in 1892 and again in 1904 specifically declared that protection is robbery of the many for the enrichment of the few, but a sufficient number believe in protection, so that the Wilson-Gorman law, enacted by a Congress elected upon an out and out free-trade platform, provided ample protection for the iron and steel industry, for citrus fruits, and for a score of other articles. The law, as a whole, was as incoherent as the party that enacted it. It was open free trade here and protection there. The pledge of the platform was kept as respects many industries, which were ruined in an hour, and when some industries are ruined no amount of protection will save others.

A tariff law to be successful must be coherent. It must protect, if you please, as does the Dingley tariff law, the man who grows barley, and it must then protect with a higher duty the man who makes malt from barley, and with yet a higher duty him who makes beer from malt, with another increase of duty when bottled. A tariff law that is not built upon principle is a legislative failure, and a party composed of men who do not believe in the principles set forth in their platform is a political failure. It may be occasionally successful at the polls; it may elect its ticket once in a while; it may now and

then dominate Congress; it may at long intervals place its standard bearer in the White House, but it can never successfully manage the affairs of the nation. Political principles are everything; men are nothing.

The leaders of all political parties are honest, patriotic, and high minded. The Democratic party, the Prohibition party, the Socialist party, are each dominated by honorable men. A few scamps in a party—and they exist in smaller number in all parties than ever before in our country's history—do not justify universal condemnation any more than a few scamps in a church—and they, too, exist in smaller number, thank God, than ever before in the history of the church—justify its universal condemnation. But a party that believes nothing, has no doctrine, is not built around a principle, is as worthless as a church without a belief.

I knew one such so-called “church” in my State. It was organized by a very reputable gentleman of the legal profession, and its absence of belief was its boast. Its doors swung wide to those who believed in the divinity of Christ and equally wide to those who denied the miraculous conception. It invited those who believed in the atonement and those who denied the necessity of a Redeemer. Like certain of the opposition parties, it sprang up in protest to some admitted evils and weaknesses of the churches. It was successful for a time in attracting numbers, and it built a fine edifice, but it died of incoherency, for it believed nothing, taught nothing, had no plans, no policies, no purposes. The eloquence of its founder, his sweet spirit, the influence of his blameless life did not make a church. A church presupposes a belief, and a political party ought to presuppose some political principles. It requires affirmative plans, affirmative policies, affirmative aims to carry the nation forward to higher ideals and to grander summations.

Do not misunderstand me. I am not advocating adherence to party because of party name, regardless of the legal profession, and its absence of belief was its boast. Its doors swung wide to those who believed in the divinity of Christ and equally wide to those who denied the miraculous conception. It invited those who believed in the atonement and those who denied the necessity of a Redeemer. Like certain of the opposition parties, it sprang up in protest to some admitted evils and weaknesses of the churches. It was successful for a time in attracting numbers, and it built a fine edifice, but it died of incoherency, for it believed nothing, taught nothing, had no plans, no policies, no purposes. The eloquence of its founder, his sweet spirit, the influence of his blameless life did not make a church. A church presupposes a belief, and a political party ought to presuppose some political principles. It requires affirmative plans, affirmative policies, affirmative aims to carry the nation forward to higher ideals and to grander summations.

Permit me to refer briefly to one of the affirmative principles of the Republican party: a principle that was as correct and as capable of definite statement in the days of Thomas Jefferson as in the days of Theodore Roosevelt; a principle that has never been put in operation in this country without bringing prosperity to all our people, and that has never been abandoned without universal ruin. On the historic correctness of these propositions let the Republican party stand or fall.

The Republican party believes in protection to American labor. Originally it was thought that our industries needed protection until they should become established, and that thereafter they could successfully face world-wide competition. It was not then anticipated that adherence to the policy of protection would create a standard of wages fully 50 per cent higher than that of any other country and more than 100 per cent higher than the average standard of the world. Had conditions continued as early protectionists supposed they would, and had all the world opened its markets to all people on equal terms, the expressed thought of the fathers would have been verified in our experiences. Protection, however, has been beneficial in unexpected ways. It has created a scale of wages and established a standard of living to which the outside world is a stranger and renders necessary the continuance of protection or the abandonment of these high standards.

Let me state the principle more clearly. Every industrious citizen is a producer. He may produce a day's work, which he sells in the labor market. He may be a consumer of labor and a producer of farm or of factory products. He may produce exchanges of merchandise or exchanges of credits, or he may produce transportation. Any one who by his efforts adds to the sum total of our production, or in any way increases the aggregate of our commerce, is a producer. Then, we are all, whether industrious or not, consumers. We consume food and clothes and cover. Therefore we have dual interests. We would like to buy that which we consume as cheap as possible and sell what we produce as high as possible. The man who produces a day's work is interested in high-priced labor, while he who buys labor and produces farm or factory products seeks to buy this labor as cheap as possible and to sell his products as high as possible.

In recognition of these dual interests the two great political parties for many years have appealed to the American people from opposite standpoints. Our opponents appeal to the consumer and insist that all that is essential to make us prosperous and happy is cheap articles of consumption. They say it matters not who produces that which we consume, provided it is cheap. They advocate opening wide the doors of trade, so that we may buy of him who can produce the thing needed at the least possible expenditure for labor, for they insist that all we want is cheap goods. The Republican party, on the contrary, appeals to the producer. It says to the man who has nothing to sell but labor, “It is important to you that wages be high.” It says to the farmer and to the manufacturer, “It is important to you that your products find ready market and that they command good prices.” The Republican party declares it to be relatively unimportant what price we pay for labor or for the products of labor, provided the wages paid go to our own people and the price of the products of labor go to those who pay high prices for labor. Our opponents say, “Put us in power and we will open wide the doors of trade, so that you can buy the cheapest things in the world's markets.” We say, “Put us in power and we will give the American market to the American people.” They say, “Put us in power and we will give you the best market in the world in which to buy.” We say, “Put us in power and we will give you the best market in the world in which to sell.” And you can not have both.

The Republican party, therefore, having for its aim the establishment of high standards of living, which shall make possible all necessities, most comforts, and some luxuries, has sought from the first to build industries. It has sought to create a ready market for the labor of our people by insuring a ready market for the products of labor. It has never sought to cheapen anything. It has never debased men, nor cheapened the labor of men, nor thrown the products of American

labor into open competition with the products of the less-paid labor of other countries.

Listen, and I will give you an illustration of how industries are built, how a market for labor is created by protecting the products of labor, and how good wages are insured by the Republican party. When Mr. McKinley was preparing his tariff law of 1890, he looked over the list of importations to see what was being purchased abroad that our people could produce to advantage. He discovered that large quantities of pearl buttons were being imported. He next inquired if clam shells existed in abundance anywhere in this country. He learned that they were plentiful in the Mississippi River, in the Wisconsin River, in the Arkansas River, and in other places. He therefore put in the McKinley bill a provision to the effect that if any foreign producer desired to sell a dollar's worth of pearl buttons in the United States he must put a little over 25 cents in the Treasury. Section 429 of the McKinley bill placed a small specific duty and in addition an ad valorem duty of 25 per cent on pearl buttons. What was the result? Men purchased button machines. This gave a little employment to the iron miner, to the smelter, and to the machine maker. They then employed men to operate the machines and more men to gather shells. Thus the industry was established, and there is now paid out in wages in the button industry in one little town of 10,000 inhabitants in my State more than three-quarters of a million dollars per annum. Other towns along the river do the same.

What do these men do with this money? They spend it. They spend it for food, for clothes, for lumber. They spend it for necessities, for comforts, for luxuries, and a little foolishly. What do the farmers who furnish the food do with their share? They spend it also. What for? For clothes for their families. What do those who furnish the clothes do with their share? They pay it out in wages. What do these wage-earners do with it? They again spend it for food and clothes. And thus on and on it goes, blessing everyone it touches and being transferred in blessing still to others.

Take the silk industry. We grow no silk. It is not necessary, therefore, to protect the producer of raw silk. He is not among us. Sometime, by the aid of the Agricultural Department, which is engaged in working out the problem of how this thing and that thing can be grown by us to advantage, we may seek to develop the raw-silk industry. If so, then a tariff duty will be placed on raw silk. Now raw silk comes in free of duty. But the foreign manufacturer of silk must pay into the Treasury from 50 to 75 cents out of every dollar's worth of finished silk product he brings to this country. What is the result? There was imported last year over \$60,000,000 worth of raw silk, and there was paid out in wages, in manufacturing this silk into thread and textiles, more than \$30,000,000 in wages.

What was done with these wages? They were spent, or, at least, expended. Everybody spends or expends all he receives. The man who owns the factory spends his share, and the laborer spends his also. The manufacturer may expend a part of his share in building another factory, or he may spend it for luxuries. He spends it for something, and though he spend it for a fine estate with macadamized roads and beautiful towers, and fountains, and lawns, and gardens, and greenhouses, and stables, yet it goes for wages, and the people who get it spend it for food and clothes and cover, and on and on it goes, in blessing and still to bless.

So successful has been this plan of building industries that our factories turn out finished products equal in home-market value to the products of all the shops and all the factories of any other three countries on the map.

It is estimated that England, France, and Germany produce an aggregate of \$14,000,000,000 worth of manufactured products per annum, of which they consume about 80 per cent and are compelled to look to the outside world for a market for \$2,500,000,000. Our shops and factories also produce \$14,000,000,000, but so high is our standard of living, so prosperous are our people, that we actually consume 94 per cent and have to look to the outside world for a market for but a fraction over \$500,000,000 of manufactured products.

Do you wonder, then, that the ill-paid people of the earth are seeking our shores by the million per annum? More than 50,000 people, representing a score of countries, arrived at our shores during the first three days of last week, to share with us our unequalled pay roll. Shall we now follow the advice of our opponents, and swing ajar our doors for the larger importation of merchandise which we now produce, or shall we rather safeguard ourselves by safeguarding these immigrants, and insure to all the privilege of producing the largest practicable share of that which the American people consume?

There be some who profess alarm at this large influx of immigration. I suggest one sure way of stopping it. Put the Democratic party in control. Immigrants never seek our shores in large numbers when free-trade policies have closed our factories. When millions of our own people are walking the streets, their families begging bread, there is little temptation for the people of other countries, however unfortunate their condition, to turn their faces this way. And be it known that our doors of trade can not be opened to the free admission of competitive merchandise from abroad without closing the doors of the shops and factories where this merchandise is now produced.

William Henry Harrison was elected President in 1840, and following his election a protective tariff law was enacted, which remained in force only four short years. During these years the country prospered as never before, but in 1844 the Democratic party elected James K. Polk, a free trader from Tennessee, President, and George M. Dallas, an avowed protectionist from Pennsylvania, Vice-President. Our opponents, it will be seen, were about as consistent then as they are now. Half protection and half free trade is about their present complexion. In 1846 the so-called "Walker tariff law" was enacted. England also adopted the policy of free trade that same year, and it is generally conceded that English money was freely used in controlling the economic policy of this country.

Do not misunderstand me. It is not claimed that this money was used illegitimately. It is not claimed that anyone was bribed. It is only claimed that it was used in the dissemination of free-trade literature, in the payment of salaries to free-trade writers, and in the payment of legitimate campaign expenses of free-trade candidates for office. I utter no criticism of all this, and I state it simply as a conceded historic fact.

The natural results of this law were not felt for some years. Our free-trade friends point to the first few years following its enactment with manifest pride, seeming to have forgotten that the potato rot, which extended well-nigh over Europe, created an unusual demand for American foods, which was continued by the subsequent breaking-out of the Crimean war, while the gold excitement in California took a large number of our people from ordinary industrial pursuits, and that the unexampled inflow of gold greatly contributed to our financial well-

being. But these things could not last forever, and the natural, the irresistible, the inevitable results of insufficient tariffs followed in the panic of 1857.

History repeats itself. The eyes of the world are again upon our markets. People who are compelled to find a foreign market for 20 per cent of the products of their factories are not unkind of the unequalled consumptive capacity of the American people. I shall not be surprised, therefore, at the liberal expenditure of foreign money in legitimate ways to create sentiment in favor of opening our doors for the increased admission of competitive articles. I am not surprised at the subtle sophistry that is being promulgated that, if we will but admit competitive goods from abroad, there will be immediately thrown open to us an unprecedented foreign demand for our food products. It is the old argument which was used in 1846.

Do not misunderstand me. I criticize neither the enterprise nor the method by which it is sought to influence political results in this country. I recognize their appropriateness. Admission to the American market is worth a contest. Entrance to these markets on more liberal terms is worth a well-organized and systematic campaign and the expenditure of much money, and those of our people who fail to comprehend the inevitable result must be excused for lending willing and unrequited service. So while I recognize the conflict that is upon us, and welcome it, too, I must warn the people of Missouri of what is involved in that conflict. They must not forget that the admission of fifty millions additional competitive merchandise takes from American labor the opportunity of producing that fifty millions of products. The production of \$50,000,000 of merchandise calls for the expenditure of about \$25,000,000 in wages. Should the proposed policy prevail, the men who now receive these wages will then be out of employment, and out of employment means out of the market as consumers of food and every other necessity of life.

Is there a farmer in Missouri with so poor a memory as to have forgotten 1894, when we consumed 45 per cent less wheat per capita than we did in 1892? Is there a farmer in Missouri who does not now feel the difference between the consumption of more than 6 bushels of wheat per capita, as against the consumption of less than 3½ bushels per capita during 1894? Is there a farmer with so short a memory as to have forgotten the effect upon him of the loss in the price of live stock, averaging over \$4 for every horse, mule, steer, cow, calf, sheep, and pig between the years 1892 and 1896? Is there a farmer in Missouri who does not now recognize the difference between an average price of \$18.34 per head for every horse, mule, steer, cow, calf, pig, and sheep in 1905, as against an average of only \$13.41 in 1896—an average gain of nearly \$5 per head? There were over 16,000,000 head of live stock sold in Chicago alone during 1905, which netted the farmers tributary to that metropolis an aggregate of very nearly \$100,000,000 over corresponding sales ten years before.

Do not misunderstand me. I do not object to increased importations of noncompetitive articles. Our imports were never so large in the aggregate and never so large per capita as now. In 1895 and 1896, when our factories were closed, a million men out of work, and a million families out of bread, our imports were less than \$11 per capita. Now, with furnaces ablaze, factories operated overtime, and no man out of employment except from choice, we are importing at the rate of over \$15 per capita.

I welcome the importation of the things we do not produce. I welcome the free importation of pig tin, raw silk, crude rubber, and other raw materials which we do not produce and which is consumed in our factories. I welcome, also, the importation of laces and fancy carpets and high-priced rugs and decorated china, and a thousand other articles with which the wealthy of our land vie with each other in filling their palatial homes, the duty on which pays for our battle ships, our public buildings, and our internal improvements. What is a battle ship? What is a public building? Granite in the quarry, iron in the mine, brick and tile in the clay, lumber in the forest are relatively worthless; but mined, quarried, shaped and fashioned, and put together by the hand of man, the battle ship and the building represent labor, and little else.

The Clerk read as follows:

Cologne, Constantinople, Cork, Florence, Huddersfield, Liege, Munich, Odessa, Solingen, Tampico, Zittau, and Zurich, at \$600 each, \$7,200.

Mr. ADAMS of Pennsylvania. Mr. Chairman, in line 9, page 18, I move to strike out the word "Solingen." It is not in the act which we passed some time ago.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 18, line 9, strike out "Solingen."

The amendment was agreed to.

The Clerk read as follows:

Paying for the feeding and keeping of prisoners in China, Korea, Siam, and Turkey, \$9,000: *Provided*, That no more than 50 cents per day for the keeping and feeding of each prisoner while actually confined shall be allowed or paid for any such keeping and feeding. This is not to be understood as covering cost of medical attendance and medicines when required by such prisoners: *And provided further*, That no allowance shall be made for the keeping and feeding of any prisoner who is able to pay or does pay the above sum of 50 cents per day; and the consular officer shall certify to the fact of inability in every case.

Mr. CRUMPACKER. Mr. Chairman, I desire to reserve a point of order against the last proviso in the paragraph just read for the purpose of finding out something about its meaning.

The CHAIRMAN. The gentleman from Indiana reserves the point of order.

Mr. CRUMPACKER. The proviso seems to require prisoners who are confined in foreign prisons, who are financially able, to pay the expense of their own keeping. That is an unusual thing. I have never known a practice of that kind in this country. I never knew one who is serving a sentence in prison to be required to pay the expense of his board and maintenance, and this provision seems to apply only to those who are able to pay. It does not prolong the sentence any of inmates of prisons who are not able to pay the expense of their support. Unless there is some good and satisfactory reason I will insist on the point of order.

Mr. ADAMS of Pennsylvania. Mr. Chairman, under the provisions of extraterritoriality existing in Turkey, the strict laws do not prevail which exist in our own country, and the prisoners who are held there are not held under strict prison regulations. It has long been the custom that if they were able they should pay for their own support. I can not give any actual reason for it, but it has been the practice all along. It is not a strict prison confinement as we understand it, and I think people who could do so have generally been willing to pay for their own maintenance during imprisonment, instead of coming down to 50 cents a day, which I do not believe provides a Delmonico menu.

Mr. BUTLER of Pennsylvania. Is not this a limitation anyhow?

Mr. ADAMS of Pennsylvania. It is a limitation.

Mr. BUTLER of Pennsylvania. Then it is not subject to the point of order.

Mr. CRUMPACKER. Mr. Chairman, it does not occur to me that the gentleman has given any sufficient reason for this peculiar provision. I understand that under the doctrine of extraterritoriality Americans who commit crimes in certain foreign countries are tried in American consular courts, and when found guilty are sentenced to a special prison. The American Government maintains in China and certain other foreign countries special prisons for the incarceration of American convicts, and it authorizes the payment of 50 cents a day for their board and maintenance, and this proviso requires men who have means, who are able to pay the entire expense of their board and maintenance in those prisons, to do so. It might as well require them to pay room rent for their cells. This proviso changes existing law. There is no law requiring anything of this kind to be done. I therefore insist on the point of order.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I should like to be heard.

The CHAIRMAN. The Chair would like to hear the gentleman from Pennsylvania on the point of order, but before he addresses himself to the point the Chair would like to call his attention to public law 140 and ask him whether that applies to this section?

Mr. ADAMS of Pennsylvania. It does, Mr. Chairman.

Mr. CRUMPACKER. What is that law?

Mr. ADAMS of Pennsylvania. This is not a change of existing law. I must say frankly that I can not tell the reason for this peculiar provision. I do not wonder that the attention of the gentleman was called to it. It provides that the consular officer shall certify to the fact of inability; but it is in conformity with the act referred to by the Chair and has been in the bill for many years.

Mr. CRUMPACKER. What is the object of it?

Mr. BUTLER of Pennsylvania. It is to enable the Government to collect from people who are able to pay.

Mr. ADAMS of Pennsylvania. I submit that this has been appropriated for every year in exactly the same language, and for that reason I submit it is not a change of existing law.

Mr. CRUMPACKER. I do not have in mind the provisions of public act 140 which the Chair inquired about.

The CHAIRMAN. The Chair will say to the gentleman from Indiana that the appropriation act of last year uses the identical language which is used in this bill.

Mr. CRUMPACKER. In interpreting this proviso in the connection in which it is used, it has reference to the provision contained in the paragraph for maintaining or boarding prisoners or inmates of prisons in the countries named. I think clearly it is confined to the appropriation. It is part of the appropriation itself. The appropriation is made and then the proviso is added that no allowance shall be made for the keeping and feeding of any prisoner who is able to pay or does pay the above sum of 50 cents per day. It directly relates to the appropriation carried in the paragraph. The fact that it has been carried in former diplomatic and consular appropriation bills does not make it permanent law. It is a limitation on the appropriation—that is, it applies to the appropriation.

Mr. PERKINS. Mr. Chairman, I would suggest that the appropriation made here is of \$9,000 for the food of prisoners in certain places. This proviso is distinctly a limitation that no portion of that \$9,000 shall be used in certain ways. Now, as I suppose the rule to be, if the appropriation itself is not subject to a point of order, and it is not, a proviso which limits the manner in which it shall be expended is not subject to a point of order.

Mr. CRUMPACKER. Mr. Chairman, upon that question, it is a limitation that is pregnant with affirmative matter.

Mr. PERKINS. Every limitation is that.

Mr. CRUMPACKER. It is a limitation that requires something to be done that the law does not provide shall be done.

Mr. OLMSTED. Mr. Chairman, I would ask the gentleman from Indiana [Mr. CRUMPACKER] if he contends that that same proviso when found in an appropriation bill of last year was a limitation or made a permanent law?

Mr. CRUMPACKER. It was made law for that year, because it related to that appropriation. It would have been subject to a point of order in my judgment, if it had been made.

Mr. OLMSTED. Then it was a limitation on that appropriation.

Mr. CRUMPACKER. Not necessarily a limitation. It contained legislation and remained in that bill, but a point was not made.

Mr. OLMSTED. I understood the gentleman to say, when occupying the floor previously, that it was a limitation upon the appropriation contained in that bill. If so, it would be a limitation on the appropriation in this bill.

Mr. CRUMPACKER. I used that language in the sense that it was tied to the appropriation instead of being a limitation upon it.

The CHAIRMAN. The Chair holds that it is a limitation on the office, though not on the money, and sustains the point of order.

The Clerk read as follows:

#### SEAMEN'S INSTITUTE AT KOBÉ.

Contribution toward the support of the Seamen's Institute at Kobé, to be paid by the Secretary of State upon the assurance that relief will be afforded by the said institute to indigent American seamen, \$25.

Mr. PERKINS. Mr. Chairman, as we have nearly finished the bill I shall take the liberty of moving to strike out the last word, that I may be able to offer a few suggestions in reference to some remarks that were made the other day as to the inadequacy of the salaries paid diplomatic representatives, and also with reference to the suggestions made which stirred the gentleman from Kentucky [Mr. SHERLEY] to unwonted warmth, in reference to the amounts expended by some representatives of our Government. Mr. Chairman, it is true, not only of the diplomatic service, but of every branch of this Government, that there are many who do not find the salary paid sufficient to enable them to continue in it. It is true of Congress. Every session there are Members who retire from this House because they do not feel that their personal interests will allow them to give the time required for the salary which is paid. That, certainly, is to be regretted, but it does not seem to me that this justifies some of the criticism passed with reference to the manner of life followed by the representatives of this Government abroad. It happens that these positions are sometimes held by men of large wealth, and sometimes by those of smaller means. I see no harm; I am unable to see why any criticism should be passed, if any representative of this Government, favored by the possession of large wealth, should expend that in such a way as to him seems fit. Why should anyone criticize if a person, holding any position under the Government, employs his wealth? It may be in renting residences that are rich, that are ancient, that are interesting, in throwing open to those who may visit them treasures of art, in extending a hospitality, enjoyed by all. It seems to me that such conduct helps to add to the beauty of life, does harm to no one, and is open to criticism from no one.

The suggestion was made that as a result others holding similar positions might find themselves embarrassed. If any man holding a position should feel himself embarrassed, should feel himself humiliated, because he was the possessor of less wealth than others who had held it, this would seem to me an indication of a somewhat contracted mind. There is nothing which deserves less respect than the snobbish and servile adulation of large wealth, and, on the other hand, it seems to me that there may be error on the part of those who are unduly disturbed by the presence of that wealth. Any man holding a diplomatic position with the ability to fill it will discharge its duties, living in that manner of life which his means or his salary allow him to follow, entirely undisturbed by the fact that some other man with larger resources may have been able to live in a different, a larger, a more profuse manner. Anyone fit for the office knows that the fact that he is obliged to follow a more modest manner of living does not lower him in the opinion of any man in this land or any other land. He will form his outward life with due regard to the private resources he may possess, undisturbed by the fact that others before him may have been richer or poorer. Mr. Chairman, may I ask the indulgence of the committee for not over two minutes more?

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may have five minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. PERKINS. Five minutes is more than I shall need. There can not be, it seems to me, a better instance of this and a better illustration that the fears of the gentleman from Kentucky were unduly excited when he thought that a liberal expenditure by any person possessed of large wealth might be an embarrassment to those called to fill a similar position than was furnished within a few years at the Court of St. James itself. The position of minister there was filled, as we all remember, by Mr. James Russell Lowell, not a man of large wealth—a man of small means, compared with many of those who preceded him and who may follow him—yet he filled the position with satisfaction to this Government, with satisfaction to all others with whom he had to deal, with entire freedom from any embarrassment from the fact that richer men had been there before or richer men might follow him, because he recognized that, living according to the standard he was able to, he filled with full ability the requirements of the position. It seems to me, Mr. Chairman, that if anyone holding such a position and so fortunate as to possess large wealth expends this in any way that may be fitting, he neither brings discredit on himself nor discredit on the Government that he represents nor creates embarrassment for any proper man who may be his successor.

The Clerk read as follows:

CONTINGENT EXPENSES, UNITED STATES CONSULATES.

Expenses of providing all such stationery, blanks, record and other books, seals, presses, flags, signs, rent, postage, furniture, statistics, newspapers, freight (foreign and domestic), telegrams, advertising, messenger service, traveling expenses of consular officers and consular clerks, compensation of Chinese writers, loss by exchange, and such other miscellaneous expenses as the President may think necessary for the several consulates and consular agencies in the transaction of their business, \$300,000.

Mr. PARSONS. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman in charge of the bill a question. Is this provision for contingent expenses ample for the different consulates, so that consuls themselves will not have to devote any of their own pay to pay expenses?

Mr. ADAMS of Pennsylvania. I will state that this has been increased \$20,000. The Department did ask for more, but throughout this bill there have been various increases in clerk-hire allowances which really increase this item very much more, because formerly clerk hire was paid out of this contingent fund, so that it is increased more than \$20,000, as appears in this particular item. We had before us the fact that at the present time the contingent fund of the Department is exhausted, and the consuls are paying their own postage, if they wish to perform their duties fully, but I think the Department is satisfied with this amount. Under the conditions that I have already stated, with the increased allowance in the various consulates which have been made in the bill, it really increases this item, because formerly clerk hire was paid out of this item.

Mr. PARSONS. Will the gentleman tell me how much increase has taken place in the various parts of the bill; how much do they amount to in the aggregate?

Mr. ADAMS of Pennsylvania. The whole bill?

Mr. PARSONS. The whole bill. I mean, of course, the increase in the items which formerly came out of this contingent-expense item.

Mr. ADAMS of Pennsylvania. We increased the contingent fund of the diplomatic service \$30,000, and we increased the emergency fund \$20,000, if my recollection is correct.

Mr. PARSONS. What did you increase that affect expenses that have to be paid by consuls?

Mr. ADAMS of Pennsylvania. Well, that is indefinite. The expenses paid by consuls are charged up to the contingent fund and they each have a certain allowance from the Department from that fund, but if the gentleman will look at the allowance, for instance, for clerk hire, Mexico City, it was raised \$500; Rio Janeiro, \$900; Shanghai, \$900, and so it runs through all the bill. All these sums which formerly were allowed came out of the contingent fund, and the raising of these allowances to each consulate for clerk hire is practically a more liberal allowance to this contingent fund.

Mr. PARSONS. I withdraw my amendment.

Mr. COUSINS. Mr. Chairman, I move to strike out the last word in order to say a few words on the point raised by the gentleman from New York [Mr. PARSONS].

I was one of those who believed an additional allowance should be made under this head of the contingent fund. Only a very slight increase was made, whereas \$50,000 additional was asked for. I had thought it should be placed at \$325,000. It is well known that during the last year the allowances for many of the consulates were cut a certain per cent all along the line on account of the fact that the contingent fund did not contain sufficient with which to pay them. In many in-

stances these consuls had been paying for their own postage. They had made certain contracts, for instance, for a messenger—which was the only help they had to assist at the consulate, having no clerk—and when this order went out reducing their allowances by a certain percentage, in some cases they were obliged to pay these messengers out of their own pockets in order to fulfill their contracts. There has been a good deal of talk of late about consular reform, and when we see that many of the consuls abroad have to pay their own postage in answer to hundreds and thousands of letters that come to them from business men over the country, it seems to me that the last objection that should be made would be an objection to a necessary contingent fund out of which these expenses of the consuls should be paid.

Mr. LONGWORTH. Is it not a fact that there are a very large number of consulates that are not equipped with a typewriter and that therefore they have to write all letters in longhand?

Mr. COUSINS. I will say to the gentleman from Ohio that I know of some cases—though not many, as I did not visit many of the consulates—but I know of some cases where they did not have even a typewriter for a year or two after they had reached their posts. They had to either purchase them themselves or do without them.

Now, there were some things said day before yesterday in regard to student interpreters, and I think that the discussion of it went on rather jocularly for a time. It was represented that these student interpreters were of no value to the country; that, perhaps, they had been there long enough so that they had long beards, and all that sort of thing. As I stated at that time, the first student interpreters were commissioned in 1902, the balance of them in 1903, and they are all young men yet, and all Americans. Their commissions were provided for in the preceding consular appropriation bill. They accepted those commissions with the agreement that they would give their services to the United States for ten years, if required. These young men have mastered the language, and several of them are now assigned and are doing the work of vice-consuls and deputy consuls at various points in China. I can recall some of them, and I can tell you where they are, and I believe there is no class representing us abroad who are rendering better and more useful service to this country than these student interpreters at \$1,000 per year.

I remember that one of them was appointed from my State, and is now doing service as deputy consul at Hangchow. His name is Willard B. Hull, and he is a most estimable young man. I believe he began his course at 18 years of age. There was one appointed, Mr. J. H. Arnold, from California, who is now doing service as deputy consul at Shanghai; another, Mr. Charles Williams, from Ohio, and another, Mr. Albert W. Pontius, from Minnesota, and he is now acting as deputy consul-general at Tientsin.

And these serve as illustrations of what these young men are doing, and of the excellent service they are rendering, and the whole amount they are receiving for such services is but \$1,000 per year.

There has been much talk, I said, about consular reform. This is one thing illustrating what can be done in the way of consular reform; better than anything I could cite. Instead of undertaking to pass unconstitutional legislation providing what the President shall do and how he shall exercise a constitutional prerogative which no act of Congress can limit, qualify, or take away, effectual consular reform is for the President himself and the State Department to make such requirements of fitness and ability as will secure the best service. And this commissioning of student interpreters was one of the best beginnings ever undertaken. They were selected from the best class of young men from various States and sent over there, and they studied the language, became efficient, and are doing the service of deputy consular officers, and, as I have said, in some cases of vice-consul-generals.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I ask unanimous consent to return to page 18, in order to correct the total.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ADAMS of Pennsylvania. I ask that in line 10, after the word "each," the word "seven" be stricken out and the word "six" inserted. Also in line 18, after the word "thousand," the word "eight" be stricken out and the word "two" be inserted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 18, line 10, strike out the word "seven" and insert "six," and strike out the word "two" and insert "six;" so that it will read "six thousand six hundred."

In line 18, strike out "eight" and insert "two;" so that it will read "one hundred and twenty-seven thousand two hundred and ten dollars."

The amendment was agreed to.

Mr. ADAMS of Pennsylvania. I move that the committee rise and report the bill as amended with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURTIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, and had directed him to report the same with amendments, with the recommendation that the amendments be agreed to, and the bill as amended do pass.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. ADAMS of Pennsylvania, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### COMMITTEE ON ENROLLED BILLS AND COMMITTEES ON PENSIONS.

Mr. CASSEL. Mr. Speaker, I desire to present the following privileged report from the Committee on Accounts.

The Clerk read as follows:

*Resolved*, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint an additional clerk to said committee, whose compensation shall be at the rate of \$6 per day from and after the time he entered upon the discharge of his duties (which shall be ascertained and evidenced by the certificate of said chairman) until the end of the present session; and the Clerk of the House is hereby authorized and directed to pay to Herman Gauss \$1,000, and to D. S. Porter \$750 for extra and expert services to the Committees on Invalid Pensions and Pensions, respectively, as assistant clerks to said committees, by detail, and to Clarence E. Gauss \$500 for services rendered as assistant stenographer to the Committee on Invalid Pensions during the session, all of which shall be paid out of the contingent fund of the House.

The SPEAKER. The question is on the adoption of the resolution.

Mr. UNDERWOOD. Mr. Speaker, before that vote is put I would like to ask the gentleman from Pennsylvania whether or not this is a unanimous report?

Mr. CASSEL. It is.

Mr. UNDERWOOD. I would like to ask the gentleman to give the House some explanation as to the necessity for this resolution.

Mr. CASSEL. The Committee on Enrolled Bills always has an additional clerk at this time of the session. They are now away back in their work, and it is necessary to have this additional clerk in order to have their bills prepared for final passage. The other part of the resolution is to pay the clerks for the Pensions Committees for the extra work which they have performed for those committees; and it has always been done. The resolutions are ordinary, and are the same as we have passed each year for them.

The SPEAKER. Is this a separate resolution?

Mr. CASSEL. This is a resolution from the Committee on Accounts.

The SPEAKER. Has the whole resolution been reported?

Mr. CASSEL. Yes, sir; that is all there.

Mr. UNDERWOOD. I would like to ask the gentleman if it is the usual resolution passed at this time of the session?

Mr. CASSEL. It is.

The question was taken; and the resolution was adopted.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 18333. An act granting land to the city of Albuquerque for public purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 18502) to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of waters in or surrounding Porto Rico and the islands adjacent thereto, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FORAKER, Mr. WETMORE, and Mr. MALORY as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10472) making appro-

priations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. WARREN, and Mr. TELLER as the conferees on the part of the Senate.

#### POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Post-Office appropriation bill, with Senate amendments, disagree to the amendments of the Senate, and ask for a conference.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the Post-Office appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. SIMS. Mr. Speaker, I would like to move to concur in a certain amendment in the bill, but I have not a copy of the bill with amendments, so as to be able to refer to it.

Mr. OVERSTREET. Mr. Speaker, there are a great many amendments.

Mr. UNDERWOOD. I would like to say to the gentleman from Indiana and the gentleman from Tennessee, not on my own behalf, but on that of the leader of the minority, who is absent, that during his absence I can not consent that the gentleman take this unanimous-consent order until the gentleman from Mississippi comes in.

The SPEAKER. There is objection.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania submits a privileged report from the Committee on Rules, which will be read by the Clerk.

The Clerk read as follows:

*Resolved*, That the bill H. R. 16953, entitled "An act making appropriations for the service of the Post-Office Department," etc., is hereby taken from the Speaker's table, to the end that the Senate amendments be, and hereby are, disagreed to in gross, and a conference be, and hereby is, asked with the Senate on the disagreeing votes of the two Houses; and the Speaker be, and hereby is, directed to appoint the managers of the conference without intervening motion.

Mr. DALZELL. Mr. Speaker, upon that I ask the previous question.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. UNDERWOOD. I ask for a division.

The House divided; and there were—ayes 160, noes 41.

Mr. UNDERWOOD. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 154, nays 69, answered "present" 18, not voting 140, as follows:

#### YEAS—154.

Acheson	Davis, Minn.	Jones, Wash.	Rhodes
Adams, Pa.	Dawes	Kahn	Roberts
Adams, Wis.	Dawson	Kelley	Rodenberg
Alexander	Deemer	Kennedy, Nebr.	Samuel
Allen, Me.	Denby	Kennedy, Ohio	Schneebell
Allen, N. J.	Dixon, Mont.	Kinkaid	Scott
Barchfield	Draper	Klepper	Shartel
Bede	Driscoll	Knowland	Sibley
Bennett, Ky.	Dunwell	Lacey	Slomp
Birdsall	Edwards	Le Fevre	Smith, Cal.
Bonyng	Ellis	Longworth	Smith, Ill.
Boutell	Esch	Loud	Smith, Iowa
Brick	Fassett	McCarthy	Smith, Pa.
Brown	Foster, Ind.	McCreary, Pa.	Snyder
Buckman	Foster, Vt.	McKinlay, Cal.	Snapp
Burke, Pa.	French	McKinley, Ill.	Southwick
Burke, S. Dak.	Fulkerson	McKinney	Sperry
Burleigh	Fuller	McLachlan	Stafford
Burton, Ohio	Gaines, W. Va.	McMorran	Steenerson
Butler, Pa.	Gardner, Mass.	Madden	Sterling
Calder	Gardner, N. J.	Mahon	Stephens, Minn.
Calderhead	Gillett, Cal.	Mann	Sullivan, Mass.
Campbell, Kans.	Goebel	Marshall	Sulloway
Campbell, Ohio	Graham	Miller	Tawney
Capron	Grosvenor	Mondell	Taylor, Ohio
Cassel	Hale	Murdock	Thomas, Ohio
Chaney	Hamilton	Nevin	Tirrell
Chapman	Haugen	Norris	Townsend
Cocks	Hayes	Olcott	Volstead
Conner	Hearst	Olmsted	Wanger
Cooper, Pa.	Hedge	Otjen	Watson
Cooper, Wis.	Henry, Conn.	Overstreet	Weems
Cousins	Hermann	Parsons	Wharton
Cromer	Higgins	Pearre	Wiley, N. J.
Crumpacker	Hoar	Perkins	Wilson
Curtis	Hogg	Pollard	Wood, N. J.
Cushman	Howell, N. J.	Powers	Young
Dalzell	Howell, Utah	Prince	
Davidson	Humphrey, Wash.	Reeder	

#### NAYS—69.

Adamson	Bowers	Brundidge	Clark, Fla.
Aiken	Brantley	Burgess	Clark, Mo.
Beall, Tex.	Brooks, Tex.	Burleson	Clayton
Bell, Ga.	Broussard	Burnett	Davey, La.

Davis, W. Va.	Henry, Tex.	Moon, Tenn.	Smith, Md.
De Armond	Hopkins	Moore	Smith, Tex.
Dixon, Ind.	Houston	Page	Southall
Fitzgerald	Humphreys, Miss.	Patterson, S. C.	Spight
Flood	Hunt	Pou	Stephens, Tex.
Floyd	Keliber	Ransdell, La.	Sulzer
Gaines, Tenn.	Kitchin, Claude	Richardson, Ky.	Talbot
Garber	Kline	Rucker	Underwood
Garner	Lamar	Russell	Watkins
Gill	Lee	Ryan	Webb
Gillespie	Lindsay	Shackleford	Zenor
Gregs	Livingston	Sheppard	
Griggs	Lloyd	Sherley	
Hay	Macon	Sims	

## ANSWERED "PRESENT"—18.

Andrus	Glass	Mouser	Small
Bartlett	Greene	Murphy	Sparkman
Candler	Hardwick	Padgett	Weeks
Currier	Jenkins	Rainey	
Dale	Lilley, Pa.	Ruppert	

## NOT VOTING—140.

Ames	Garrett	Lawrence	Reynolds
Babcock	Gilbert, Ind.	Legare	Rhinock
Bankhead	Gilbert, Ky.	Lester	Richardson, Ala.
Bannon	Gillett, Mass.	Lever	Rives
Bartholdt	Goldfogle	Lewis	Rixey
Bates	Goulden	Lilley, Conn.	Robertson, La.
Beidler	Graft	Littauer	Robinson, Ala.
Bennet, N. Y.	Granger	Little	Scroggy
Bingham	Gronna	Littlefield	Sherman
Bishop	Gudger	Lorimer	Slayden
Blackburn	Haskins	Loudenslager	Smith, Ky.
Bowersock	Heffin	Lovering	Smith, Samuel W.
Bowie	Hepburn	McCall	Smith, Wm. Alden
Bradley	Hill, Conn.	McCleary, Minn.	Southard
Brooks, Colo.	Hill, Miss.	McDermott	Stanley
Brownlow	Hinslaw	McGavin	Sullivan, N. Y.
Burton, Del.	Hitt	McLain	Taylor, Ala.
Butler, Tenn.	Holliday	McNary	Thomas, N. C.
Byrd	Howard	Martin	Towne
Cockran	Hubbard	Maynard	Trimble
Cole	Huff	Meyer	Tyndall
Darragh	Hughes	Michalek	Van Duzer
Dickson, Ill.	Hull	Minor	Van Winkle
Dovener	James	Moon, Pa.	Vreeland
Dresser	Johnson	Morrell	Wachter
Dwight	Jones, Va.	Mudd	Wadsworth
Ellerbe	Ketcham	Needham	Waldo
Field	Kitchin, Wm. W.	Palmer	Wallace
Finley	Knapp	Parker	Webber
Flack	Knopf	Patterson, N. C.	Weisse
Fletcher	Lafean	Patterson, Tenn.	Welborn
Fordney	Lamb	Payne	Wiley, Ala.
Foss	Landis, Chas. B.	Pujo	Williams
Fowler	Landis, Frederick	Randell, Tex.	Wood, Mo.
Gardner, Mich.	Law	Reid	Woodyard

So the previous question was ordered.

The Clerk announced the following additional pairs:

For the session:

Mr. SHERMAN with Mr. RUPPERT.

Until further notice:

Mr. WEEKS with Mr. STANLEY.

For the balance of the day:

Mr. McCALL with Mr. ROBERTSON of Louisiana.

For this vote:

Mr. HILL of Connecticut with Mr. WALLACE.

Mr. DARRAGH with Mr. ELLERBE.

Mr. VREELAND with Mr. ROBINSON of Arkansas.

Mr. GILBERT of Indiana with Mr. PUJO.

Mr. PAYNE with Mr. WILLIAMS.

Mr. MCGAVIN with Mr. McLAIN.

Mr. LITTAUER with Mr. LESTER.

Mr. CHARLES B. LANDIS with Mr. JOHNSON.

Mr. BROWNLOW with Mr. HEFFLIN.

Mr. HEPBURN with Mr. RICHARDSON of Alabama.

Mr. WEEKS. Mr. Speaker, I voted "aye," and I find that I am paired with the gentleman from Kentucky, Mr. STANLEY. I would like to change my vote.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. WEEKS, and he voted "present."

Mr. WALDO. Mr. Speaker, I desire to know if I am recorded.

The SPEAKER. The Speaker is informed that the gentleman is not recorded.

Mr. WALDO. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman present when his name was called, and giving attention?

Mr. WALDO. I was not.

The SPEAKER. The gentleman does not bring himself within the rules.

Mr. SHACKLEFORD. Mr. Speaker, I desire to know if the gentleman from New York, Mr. PAYNE, voted.

The SPEAKER. He did not.

The result of the vote was announced as above recorded.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] is entitled to twenty minutes and the gentleman from Alabama [Mr. UNDERWOOD] is entitled to twenty minutes.

Mr. DALZELL. Mr. Speaker, it is not necessary that I

should occupy any time in the explanation of this rule. It has relation to the Post-Office appropriation bill. That bill is now on the Speaker's table, with eighty-three Senate amendments thereto. The purpose of the rule, if adopted, is to take the bill from the Speaker's table, to nonconcur in all of the Senate amendments, and send it to conference. I reserve the balance of my time.

Mr. RUCKER. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER. Does the gentleman yield?

Mr. DALZELL. Yes.

Mr. RUCKER. Mr. Speaker, I understand that the Senate adopted an amendment to the Post-Office appropriation bill providing that farmers can buy such boxes as they see fit for rural delivery service.

Mr. DALZELL. Mr. Speaker, in reply to that I will say that I yield to the gentleman from Indiana [Mr. OVERSTREET].

Mr. OVERSTREET. Mr. Speaker, an amendment similar to the one the gentleman from Missouri [Mr. RUCKER] has referred to was adopted, but the character of that amendment, as well as the character of a large number of other amendments carried by the bill, is the justification for sending the bill to conference. The amendment referred to by the gentleman from Missouri [Mr. RUCKER] would permit any individual patron of a rural route to place at his home any kind of a box, whether half a shoe box or part of a cigar box, and consider that as a proper box, requiring the Government to continue to safeguard and protect it with all the laws, both civil and criminal, which are applicable to the Post-Office Department. I will say that it is necessary to consider a proposition of that kind intelligently.

Mr. RUCKER. Does not the gentleman believe that farmers throughout the country ought to have the right to determine what kind of a box is satisfactory to them, and should not be required to buy a box made by a certain manufacturer which has the approval of the Post-Office Department?

Mr. OVERSTREET. But the difficulty with the gentleman is that there is no such requirement now as that referred to by the gentleman.

Mr. RUCKER. No requirement that he shall buy a certain make of box?

Mr. OVERSTREET. A large number of the new boxes are permitted by the Department, by way of its approval, but the Department does not direct any patron to furnish any particular kind of a box.

Mr. RUCKER. There are some dozen or more boxes from which the patron may select, but the point I make is this, that farmers living throughout the country are satisfied with a box that they themselves can make or can buy, and prefer them rather than to be compelled to select one of those particular boxes approved by the Department.

Mr. OVERSTREET. Mr. Speaker, that is a matter that requires consideration, and for that reason this bill ought to go to conference.

Mr. RUCKER. One more question. There is another amendment, I understand, that provides that no order shall emanate from the Post-Office Department prohibiting postmasters and rural route carriers from furnishing Senators and Representatives in Congress the names of the patrons of their offices and along their routes.

Mr. OVERSTREET. There is an amendment something along the line which the gentleman has suggested.

Mr. RUCKER. That is the substance of it.

Mr. OVERSTREET. That I should say would be the substance of the amendment.

Mr. RUCKER. I want to state to the gentleman that in my opinion the House is practically a unit in favor of that amendment, in order that Members of Congress may get the correct names and addresses of people in their districts for use in the distribution of patronage.

Mr. OVERSTREET. I would say to the gentleman, however, that if the amendment he refers to is not modified in some way there would be nothing to prevent a Member of Congress, without any action that is improper on his own part, from turning over that list to any advertising house and enabling that advertising house to use that list for its own purpose. Therefore it would be very unwise, in my judgment, to accept an amendment of that kind without very careful consideration.

Mr. RUCKER. If the gentleman conceives the idea that it is necessary to put a provision in the bill which would prevent Members of Congress from violating the spirit of the law—

Mr. OVERSTREET. But I have not agreed to that proposition. I do not concede that.

I think, Mr. Speaker, that the better practice will be to send the bill to conference with these eighty-three sundry amend-

ments, which have resulted in an increase in the bill of a little less than a million dollars, and permit the conferees to consider them carefully and then report to the House.

Mr. RUCKER. I would like to have an expression of opinion from the gentleman, and therefore I will ask him if he does not believe that a large majority of this House favors both the amendment in reference to furnishing Members with the names of patrons of offices and on rural routes and the other amendment in reference to post-office boxes?

Mr. OVERSTREET. The only opinion I would express in answer to the gentleman would be that there is not, in my judgment, 5 per cent of the membership of this House familiar with the amendment, much less in favor of it.

Mr. RUCKER. If that is the gentleman's position, why do you not give us a chance to vote on these propositions?

Mr. DALZELL. Mr. Speaker, I trust this is not coming out of my time—

Mr. RUCKER (continuing). Why do you not give the Members of this House a chance to vote upon them instead of trying to gag us?

Mr. DALZELL. I will yield to the gentleman in charge of the other side of the question. I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Chairman, I yield ten minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, I hope I may have the attention of the House about the Senate amendment which has been discussed by the chairman of the committee, the gentleman from Indiana [Mr. OVERSTREET]. I introduced a bill in this House, which was referred to the gentleman's committee, to permit the patrons on rural routes to put up boxes in which to receive their mail of either wood or metal, subject to all the rules, regulations, and requirements of the Post-Office Department. Under that bill the Department will have the right to provide that these boxes shall be of certain dimensions; that they shall be placed at certain distances from the road which the carrier travels; that the Department shall have the right to make all regulations so far as convenience of service is concerned. The gentleman from Indiana says there is no law requiring patrons to buy a certain kind of box. Literally that is true, but in practice it is not. When a patron can not buy any kind of a box except one that is approved by the Department, he is prohibited from buying any other kind and is virtually commanded to buy that particular kind. Let us take a practical view of this matter, and inasmuch as I am replying to the gentleman from Indiana I hope to have his attention. Before a route is established there is no need of boxes in that neighborhood, and none are kept for sale. Being no demand, none are kept by the country merchants, and the fact that a large number of boxes have been approved by the Department cuts no figure. Consequently, in every case when a rural route is ordered established, there is not a box in that neighborhood anywhere that can be purchased—not one. There might be a hundred approved varieties, but if there are none of that variety kept for sale, it is just as inconvenient to the patrons to have to order their boxes from a distance, although you have a hundred varieties to select from, as it would be to order if only one variety were approved.

Now, I want to know if it appeals to the judgment and common sense of this Congress to say that the patron has not the right to make for himself or have made by the employment of a near-by tinner such a metallic box or wooden box as he is willing to risk his mail in, subject to such rules and regulations as the Department may require? That my argument is absolutely unanswerable is proven by the action of the Post-Office Department in permitting patrons on star routes to put up just such boxes as they see fit in which to receive their mail that is in all respects just as valuable and as important as that received by them on rural routes. It is just as important that a letter delivered in a box on a star route have Government protection as it is if the same letter is delivered in a rural route box. The sender of a letter to be delivered in a box on a star route certainly has as much right to demand that his letter be put in a Government-approved and protected box as if the same were put in a box on a rural route. To contend otherwise is too absurd to be dignified by the name of argument.

You can not put a registered letter, a special delivery letter, or a pension letter in a rural mail box. In other words, mail about which there is any indication of value can not be put in the rural box. Under the ruling of the Department five families can use the same box. Under the present regulation they do not have to be locked. Five families getting their mail in one box is the very thing to cause neighborhood difficulties and troubles. Why not let these five families put up just such boxes as they are willing to accept their mail in?

The idea that the farmers in this country have got so little

self-interest and so little common sense that they will not put up a box that will sufficiently protect their mail is ridiculous. A man so ignorant as that will not get any mail. A man that is trifling and good for nothing to the extent that he will not protect that which is his own will not get any letters to protect. But it is the desire of the Department to get power and hold on to it, even though in little things. I say, let the American citizen who votes for you and votes for me have the right to manufacture his own box or get his neighbor to do it. I might be a mechanic, a tinsmith, or a blacksmith, and be able to make the best box possible, but I could not use it, because I can not send that box to Washington, D. C., to have it approved by a Department officer that wishes to take a hand in my private domestic affairs.

Mr. STAFFORD rose.

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Wisconsin?

Mr. SIMS. Certainly.

Mr. STAFFORD. I understand that in a bill the gentleman has introduced it is provided that the boxes made by the patrons are to be subject to the regulations of the Department?

Mr. SIMS. Yes, sir.

Mr. STAFFORD. Is the gentleman acquainted with the amendment that has been added in the Senate that provides for no regulation whatsoever?

Mr. SIMS. I know it does not, but we can amend the Senate amendment either in the House or in conference.

Mr. STAFFORD. Then you are in favor of sending the bill to conference, so as to have it perfected?

Mr. SIMS. Yes; if the bill is sent to conference, let the conference committee take it up and perfect it.

Mr. UNDERWOOD. I will ask the gentleman, if it did not go to conference, would it not be possible in the House, when the matter came before it, to agree to the Senate amendment with an amendment that would perfect it as he desires?

Mr. SIMS. Yes, indeed. I wanted to ask that it be concurred in with an amendment. At the time I asked the question I thought that part of my bill was in the Senate amendment, and did not know it was not until it was pointed out to me, but that part may be put in, if necessary, either in the House or in conference, and I am discussing this matter in order that the House may understand it and see the importance of it. I do not care where it is perfected, so it is done; but it is evident from the argument made by the gentleman from Indiana [Mr. OVERSTREET] that he is opposed to it, and I wanted the House and the people who think the farmers have sense enough and self-interest enough to protect their own mail to give them an opportunity to do it. To-day routes are being refused because 75 per cent of the patrons of the routes do not in advance procure approved boxes. Seventy-five per cent of the iron or steel material out of which these approved boxes are manufactured is made by the steel trust. Why force the people, through legislation or through regulation, to patronize a trust in procuring boxes for their private mail? There is no combination in the manufacture of the boxes that I know of, but self-interest never fails to take hold of good opportunities to help itself. I would like to see a Member of this House go before his farmer constituents and tell them "I will not trust you to make or have made a box that will protect your own mail."

I would like to see him go back home and get the vote of any man of whom he expressed such an opinion. If you will have a yea-and-nay vote on this proposition, it will carry three to one. I am perfectly willing that the conference committee shall take hold of this and perfect it, but I do want the House to know the object and purpose of the amendment.

[Here the hammer fell.]

Mr. COUSINS. I would like to ask the gentleman a question.

The SPEAKER. The time of the gentleman has expired.

Mr. SIMS. I would like to have a minute more to answer a question.

Mr. UNDERWOOD. I yield one minute more to the gentleman.

Mr. COUSINS. What standard do you propose to fix as to the kind of wooden box that can be used? Any definite standard?

Mr. SIMS. Let the Department by regulation provide what kind of a box is to be used—that is, as to size, length, manner of opening, and convenience of same to road traveled by carrier and everything of that kind, but permit the patron to have made and put up, of either wood or metal, such box as he desires, in compliance with the general regulations of the Department, and do not force patrons to send often hundreds of miles to some manufacturer and pay for a patented article several times as much as it would cost if made at home and added to the price express or freight charges.

Mr. UNDERWOOD. I yield five minutes to the gentleman from Missouri.

Mr. RUCKER. Mr. Speaker, as I understand, this bill has come back from the Senate to the House with certain Senate amendments incorporated in the bill. If this rule is adopted, the bill will go into conference without any chance of being considered in Committee of the Whole. If the committee had an opportunity to consider some of these amendments—two or three of them—so far as I am concerned, it seems to me there would be no objection to the plan now proposed; but I do believe, Mr. Speaker, that the House is in favor of at least two Senate amendments, which are important to the country and to the membership of this House, and we should have an opportunity to say so and not be compelled to submit unconditionally to the judgment of the conferees.

One of the amendments to which I refer reads as follows:

*Provided, That patrons on all rural free-delivery mail routes now established or that may hereafter be established may put up, for their individual use, boxes constructed of such material, either wood or metal, as they desire, and that carriers on all rural mail routes shall deposit mail in such boxes in like manner as in boxes now in use.*

Now, the fact is this: In my district, which is a rural district, there are to-day thousands of farmers who are using boxes purchased and put in use before this post-office order went into operation. Under the new dispensation these boxes must be torn down and every one of these patrons, these people all along the routes, must buy new boxes which conform to the post-office regulation, costing the people in my district alone a very large sum of money. The same is true in very many other districts. Now, it does seem to me, Mr. Speaker, that the gentleman who has charge of this bill ought to allow the House, in Committee of the Whole, to consider this matter, and if a qualification or limitation is necessary, make it, but leave the bill so as to permit these people all over the United States to put up such boxes, under proper regulation, as they see fit to use. They should not be required to send to some great manufacturing center and buy a certain make of box.

The other amendment to which I referred a moment ago is one which, it seem to me, no gentleman on this floor will oppose, though I understood the gentleman from Indiana [Mr. OVERSTREET] to say that not 5 per cent of them would favor it, a statement which I think entirely misrepresents the judgment of the House.

The amendment is as follows:

The Post-Office Department shall make no regulation which will prevent any postmaster or any rural-route carrier from furnishing a Senator from a State the names of those to whom he delivers mail in that State, nor to a Representative or Delegate the names of those to whom he delivers mail within the district or territory so represented.

Mr. Speaker, I want to say to this House that I have been informed by a number of gentlemen that they now get mailing lists from the postmasters in their districts. It seems to me every gentleman knows, when he applies to a postmaster for such a list, that he violates, if not the law, at least a regulation of the Post-Office Department, which might be a serious thing to the postmaster if known. The postmaster who furnishes any one of us a mailing list from his office or a rural-route carrier who furnishes a list of the patrons on his route violates a postal regulation. This amendment simply permits—does not require—but permits a carrier or a postmaster to furnish Senators and Representatives or Delegates in Congress such a list. The gentleman suggests that without some restriction these lists might be turned over to some mail-order house. I for one never dreamed of the possibility of such a thing. I have heard elsewhere Members of Congress accused of almost all sorts of wrongdoing, but this is the first time that I have heard it suggested on this floor by one who is a Member himself that his colleagues would for pay or without pay wantonly violate the spirit if not the letter of the law. I sincerely hope the conferees on the part of the House will agree to these two amendments.

There can be no earthly reason suggested by any man here or elsewhere why the postmaster, who will gladly do it for his own convenience, or the rural-route carrier, who for the same reason would gladly give us this information, should not be permitted to do it.

[Here the hammer fell.]

Mr. UNDERWOOD. Mr. Speaker, I ask the gentleman from Pennsylvania [Mr. DALZELL] to use some of his time, unless he intends to close in one speech.

Mr. DALZELL. I do not think there will be more than one speech on this side.

Mr. UNDERWOOD. Mr. Speaker, the reason I am opposed to this rule, and rules of a similar kind, is because I believe they take the government of this House away from the indi-

vidual Members and place it in the hands of the governing machine of the House. Now, I admit it is necessary to have a governing machine. We must have some kind of a business machine, but that machine ought to confine its business to the question of determining what shall come before the House and the disposition of business. It ought not to attempt to come in here by special rules and take away from the individual membership of this House the substance of legislation, the facts of legislation, and put them into the hands of a conference committee or any other committee that goes behind closed doors and brings a final report to this House, which the House must take as a whole or reject as a whole, on which the House is not enabled to use its individual judgment as to the various items made up in the conference report. The people of the United States send the individual Members to Congress here to exercise their judgment, not the judgment of the Speaker, not the judgment of the Committee on Rules, not the judgment of a conference committee. Now, what effect has this rule upon the business of the House? If the gentleman from Pennsylvania [Mr. DALZELL] had not presented this rule to the House, it would have been the duty of the Speaker to refer this Post-Office bill back to the Committee on the Post-Office and Post-Roads.

There is new matter in the bill; matter that has not as yet been considered by the membership of this House; matter that the Members of this House have a right to consider. It would have gone to that committee; been thrashed out in committee. They would have come before the House, presented their report for the consideration of the House, and then, item by item, the House would have considered the question, agreeing to such of the Senate amendments as they thought were wise, disagreeing to the others, and then finally the bill would have gone to conference. But instead of that the House, by adopting this rule, blindly sends every bit of the legislation that the Senate has put on this bill, unconsidered, without any chance for consideration by the Members of this House, back to a conference committee, where it will be determined behind closed doors.

Mr. DALZELL. May I ask the gentleman a question?

Mr. UNDERWOOD. Certainly.

Mr. DALZELL. Does the gentleman think we could have considered the bill in the manner he suggests without having at least eighty-three roll calls?

Mr. UNDERWOOD. Well, I do not know about that. The gentleman pleads for time. The membership of this House are paid by the year. We are not paid by the day. I should like as well as any Member of this House to go home at an early date, but if the business of the country requires us to stay here until August, in order that we may properly consider it, the membership of this House ought to stay here and do so. [Applause on the Democratic side.]

Mr. DALZELL. Mr. Speaker, I do not object to that proposition. I do not complain of any proper use of time, but of the waste of time. [Applause on the Republican side.]

Mr. UNDERWOOD. The gentleman well knows that this side of the House have no desire to waste time. [Laughter.] But there are times that come in a legislative body when the minority can have no hearing unless it puts its protests on the records of the House, in the only way that the rules of the House permit it to do so. [Applause on the Democratic side.]

Mr. WILLIAMS. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. Mr. Speaker, I desire to address myself to the question before the House.

The SPEAKER. The time on that side is exhausted.

Mr. DALZELL. I yield the balance of my time to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. How much time have I?

The SPEAKER. The gentleman has fourteen minutes.

Mr. WILLIAMS rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. For the purpose of asking the gentleman from Pennsylvania to yield me some time. I was in the Committee on Ways and Means—

Mr. DALZELL. Well, Mr. Speaker, if I had not been here, I would have been there also. I can not yield.

Mr. GROSVENOR. Mr. Speaker, I imagine that everything has been said on that side that can be said, and said as well as if any other gentleman on that side had said it. [Laughter and applause on the Republican side.] The gentleman from Alabama [Mr. UNDERWOOD] made a suggestion that, I think, from his standpoint was an unfortunate one. From ours, it was a good one. He said he desired to have the business of the House in the hands of the individual Member. Well, we have got the business of the House pretty well in the hands of the individual Member, and I think it is about time that the aggregate began

to move, and not the individual factor. There are here some eighty-odd amendments to this bill. A great many of them are unimportant, most of them are unimportant, but, as I understand from the chairman of the committee, some of them are very important. Are we to have one hundred and sixty-odd roll calls on the question of the disposition of these eighty-odd amendments?

We have not missed an opportunity to have a roll call for the last two weeks that I can remember of, and there is nobody who can give any assurance that we are to have any better condition. What is the practical result? How many of the Members of this House know anything about all of these eighty-odd amendments? Very few. The proposition therefore is to send this bill to a committee of conference, a great and important factor in legislation, and let that committee of conference sift out these amendments and see how many of them they can agree to in both Houses, and then come back here. In that event we will be exactly in the condition that the gentleman wants to be in, excepting that we shall have the result of a committee, one side representing the views of the House and the other side representing the views of the Senate. In that way we will try to go forward. I am not hurrying to the close of this session of Congress. I think we can stay on here very profitably and let the galleries be entertained by this byplay that we have been having here for a week or two, this coercive measure to coerce the majority of this House into doing what they have not yet got ready to do. There is no better way to exhibit the impotence of effort than to let the party which is trying to demonstrate it demonstrate the impotence themselves. When they get tired of that, I think we will go forward. What I want to protest against is the suggestion that anybody has been gagged here. Why, this has been the customary course of things ever since I was a Member of Congress. Scarcely ever do we have any debate or consideration of individual items or disagreement upon a great supply bill. It is unwise to spend time of the House in considering all of the small amendments. It is far better to have the estimate of the skilled conference committee to eliminate the unimportant and bring back again the important amendments. That has been the practice of the House always. It has been practiced by both sides of this House. The Democratic side of this House got away from that proposition once and brought in here a bill with 600 amendments, and it was not an appropriation bill either; and instead of giving us a committee on conference that we begged for, they gave us forty minutes, under a motion to concur, twenty minutes on this side and twenty minutes on the other side, and voted en bloc, and created a tariff bill, created a bill of "infamy and dishonor."

Mr. OLMSTED. And of disaster.

Mr. GROSVENOR. And of disaster. I accept the supplementary suggestion. And now because this side of the House desires to go ahead, gentlemen on the other side are agonizing over each individual amendment to the bill. I hope that the rule will be sustained. It is the only possible way that we can get along with the business. We have not created the necessity. The necessity has been created by others, and we are trying as well as we can to meet the emergency and get rid of the effects of the condition we find ourselves in.

Mr. DALZELL. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 150, noes 56.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 154, nays 69, answered "present" 23, not voting 135, as follows:

## YEAS—154.

Alexander	Chaney	Edwards	Henry, Conn.
Allen, Me.	Chapman	Ellis	Hermann
Allen, N. J.	Cocks	Esch	Higgins
Barchfeld	Cole	Fassett	Hill, Conn.
Bede	Conner	Fletcher	Hinslaw
Bennett, Ky.	Cooper, Pa.	Foster, Ind.	Hoar
Birdsall	Cooper, Wis.	Foster, Vt.	Howell, N. J.
Bonyng	Cousins	French	Howell, Utah
Boutell	Cromer	Fulkerson	Humphrey, Wash.
Brick	Crumacker	Fuller	Jones, Wash.
Brooks, Colo.	Cushman	Gaines, W. Va.	Kahn
Brownlow	Dalzell	Gardner, Mass.	Keller
Buckman	Darragh	Gardner, N. J.	Kennedy, Nebr.
Burke, Pa.	Davidson	Gillett, Cal.	Kennedy, Ohio
Burke, S. Dak.	Davis, Minn.	Goebel	Kinkaid
Burleigh	Dawes	Graff	Klepper
Butler, Pa.	Dawson	Graham	Knowland
Calder	Deemer	Grosvenor	Lacey
Calderhead	Denby	Hale	Le Fevre
Campbell, Kans.	Dixon, Mont.	Hamilton	Littauer
Campbell, Ohio	Draper	Haugen	Lloyd
Capron	Driscoll	Hayes	Longworth
Cassel	Dunwell	Hedge	Lorimer

Loud	Norris	Samuel	Sulloway
McCarthy	Olmsted	Scott	Taylor, Ohio
McCleary, Minn.	Otjen	Shartel	Thomas, Ohio
McCreary, Pa.	Overstreet	Shibley	Tirrell
McKinley, Cal.	Palmer	Slomp	Townsend
McKinley, Ill.	Parsons	Smith, Cal.	Volstead
McKinney	Payne	Smith, Ill.	Waldo
McLachlan	Pearre	Smith, Iowa	Watson
McMorran	Perkins	Smith, Pa.	Weems
Madden	Pollard	Snapp	Wharton
Mahon	Powers	Southwick	Wiley, N. J.
Mann	Prince	Sperry	Wilson
Miller	Reeder	Stafford	Wood, N. J.
Murdoch	Rhodes	Steenerson	Young
Needham	Roberts	Sterling	
Nevin	Rodenberg	Stevens, Minn.	

## NAYS—69.

Alken	Flood	Kitchin, Claude	Shackelford
Beall, Tex.	Floyd	Kline	Sheppard
Bell, Ga.	Gaines, Tenn.	Lamar	Shirley
Bowers	Garber	Lee	Sims
Brantley	Garner	Lindsay	Smith, Md.
Broocks, Tex.	Gill	Livingston	Smith, Tex.
Brundidge	Gillespie	Macon	Spight
Burgess	Glass	Moon, Tenn.	Stephens, Tex.
Burleson	Granger	Page	Sullivan, Mass.
Burnett	Gregg	Patterson, S. C.	Talbott
Butler, Tenn.	Heflin	Pou	Underwood
Clark, Fla.	Henry, Tex.	Ralney	Watkins
Clark, Mo.	Hopkins	Ransdell, La.	Webb
Clayton	Houston	Richardson, Ky.	Williams
Davis, W. Va.	Humphreys, Miss.	Robinson, Ark.	Zenor
Dixon, Ind.	Hunt	Rucker	
Ellerbe	Johnson	Russell	
Fitzgerald	Kelher	Ryan	

## ANSWERED "PRESENT"—23.

Adamson	Finley	Kitchin, Wm. W.	Robertson, La.
Andrus	Greene	Lever	Ruppert
Bartlett	Hardwick	Lilley, Pa.	Small
Candler	Hogg	Mouser	Sparkman
Currier	Hull	Murphy	Weeks
Dale	Jenkins	Padgett	

## NOT VOTING—135.

Acheson	Fowler	Lester	Rixey
Adams, Pa.	Gardner, Mich.	Lewis	Schneebell
Adams, Wis.	Garrett	Lilley, Conn.	Scroggy
Ames	Gilbert, Ind.	Little	Sherman
Babcock	Gilbert, Ky.	Littlefield	Slayden
Bankhead	Gillett, Mass.	Loudenslager	Smith, Ky.
Bannon	Goldfogle	Lovering	Smith, Samuel W.
Bartholdt	Goulden	McCall	Smith, Wm. Alden
Bates	Griggs	McDermott	Smyser
Beldler	Gronna	McGavin	Southall
Bennet, N. Y.	Gudger	McLain	Southard
Bingham	Haskins	McNary	Stanley
Bishop	Hay	Marshall	Sullivan, N. Y.
Blackburn	Hearst	Martin	Sulzer
Bowersock	Hepburn	Maynard	Tawney
Bowie	Hill, Miss.	Meyer	Taylor, Ala.
Bradley	Hitt	Michalek	Thomas, N. C.
Broussard	Holliday	Minor	Towne
Brown	Howard	Mondell	Trimble
Burton, Del.	Hubbard	Moore, Pa.	Tyndall
Burton, Ohio	Huff	Moore	Van Duzer
Byrd	Hughes	Morrell	Van Winkle
Cockran	James	Mudd	Vreeland
Curtis	Jones, Va.	Olcott	Wachter
Davey, La.	Ketcham	Parker	Wadsworth
De Armond	Knapp	Patterson, N. C.	Wallace
Dickson, Ill.	Knopf	Patterson, Tenn.	Wanger
Doyener	Lafcan	Pujo	Webber
Dresser	Lamb	Randall, Tex.	Weisse
Dwight	Landis, Chas. B.	Reid	Welborn
Field	Landis, Frederick	Reynolds	Wiley, Ala.
Flack	Law	Rhinock	Wood, Mo.
Fordney	Lawrence	Richardson, Ala.	Woodyard
Foss	Legare	Rives	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

For the vote:

Mr. HEPBURN with Mr. RICHARDSON of Alabama.

Mr. CHARLES B. LANDIS with Mr. DE ARMOND.

Mr. OLCOTT with Mr. HAY.

Mr. SCHNEEBELI with Mr. SOUTHALL.

Mr. TAWNEY with Mr. SULZER.

For the balance of the day:

Mr. ACHESON with Mr. LESTER.

Mr. ADAMS of Pennsylvania with Mr. BROUSSARD.

Mr. ADAMS of Wisconsin with Mr. DAVEY of Louisiana.

Mr. AMES with Mr. BYRD.

Mr. BROWN with Mr. MOORE.

Mr. CURTIS with Mr. GRIGGS.

Mr. DWIGHT with Mr. FIELD.

Mr. FOSS with Mr. RIXEY.

Mr. GILBERT of Indiana with Mr. PUJO.

Mr. MCGAVIN with Mr. McLAIN.

Mr. SMYSER with Mr. WALLACE.

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. ADAMSON. Mr. Speaker, I am informed that the gentleman from Pennsylvania [Mr. WANGER] did not answer. I am paired with the gentleman and wish to change my vote.

The SPEAKER. Call the gentleman's name.  
The Clerk called Mr. ADAMSON's name, and he answered "Present."

Mr. FINLEY. Mr. Speaker, I am informed that the gentleman from New Hampshire [Mr. CURRIER] did not vote. I was out of the Hall, and I would like to know how he is recorded as voting.

The SPEAKER. He is recorded as answering "present."

Mr. ADAMSON. I wish to withdraw my vote and vote "present."

The SPEAKER. Call the gentleman's name.

The Clerk called Mr. ADAMSON's name, and he answered "Present."

Mr. KLINE. Mr. Speaker, I desire to know how I am recorded on this vote.

The SPEAKER. The gentleman is recorded as answering "present."

Mr. KLINE. I was listening for my name and did not hear it called. I desire to vote "no."

The SPEAKER. Call the gentleman's name.

The Clerk called Mr. KLINE's name, and he answered "No."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will announce the following conferees:

The Clerk read as follows:

Mr. OVERSTREET, Mr. GARDNER of New Jersey, and Mr. MOON of Tennessee.

BENJAMIN F. GRAHAM.

The SPEAKER laid before the House, from the Speaker's table, the bill (H. R. 11543) to correct the military record of Benjamin F. Graham, with Senate amendments.

The Senate amendments were read.

Mr. CAPRON. Mr. Speaker, I move that the House concur in the Senate amendments.

Mr. WILLIAMS. Mr. Speaker, I understand there are two or more Senate amendments to the bill.

The SPEAKER. The gentleman demands a division?

Mr. WILLIAMS. I ask a division.

The SPEAKER. The gentleman desires a separate vote upon each amendment.

Mr. WILLIAMS. Yes.

The SPEAKER. The question is on agreeing to the first amendment.

The question was taken; and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. WILLIAMS) there were—ayes, 167, noes, 28.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 196, nays 20, answered "present" 18, not voting 147, as follows:

YEAS—196.

Adamson	Davidson	Henry, Tex.	Needham
Allen, Me.	Davis, Minn.	Hermann	Nevin
Allen, N. J.	Dawes	Higgins	Norris
Barchfeld	Dawson	Hill, Conn.	Olcott
Bell, Ga.	Deemer	Hoar	Olmsted
Bennett, Ky.	Denby	Hogg	Otjen
Birdsall	Dixon, Ind.	Houston	Overstreet
Bonyng	Dixon, Mont.	Howell, N. J.	Page
Boutell	Draper	Howell, Utah	Palmer
Brantley	Driscoll	Hubbard	Parsons
Brooks, Tex.	Dunwell	Johnson	Patterson, S. C.
Brown	Edwards	Jones, Wash.	Payne
Brownlow	Ellerbe	Kahn	Perkins
Buckman	Ellis	Keifer	Pollard
Burke, Pa.	Esch	Kennedy, Nebr.	Prince
Burke, S. Dak.	Fassett	Kennedy, Ohio.	Pujo
Burleigh	Fitzgerald	Klepper	Rainey
Burleson	Fletcher	Kline	Ransdell, La.
Burton, Ohio	Foster, Ind.	Knowland	Reeder
Butler, Pa.	Foster, Vt.	Lacey	Rhodes
Byrd	French	Lee	Roberts
Calder	Fulkerson	Le Fevre	Robinson, Ark.
Calderhead	Fuller	Lindsay	Rodenberg
Campbell, Kans.	Gaines, Tenn.	Lloyd	Rucker
Campbell, Ohio	Gaines, W. Va.	Longworth	Samuel
Capron	Garber	Loud	Schneebell
Cassel	Gardner, Mass.	McCleary, Minn.	Scott
Chaney	Gardner, N. J.	McCreary, Pa.	Shackelford
Chapman	Garner	McKinlay, Cal.	Shartel
Clark, Fla.	Gill	McKinney	Sheppard
Clark, Mo.	Gillett, Cal.	McLachlan	Sherley
Clayton	Glass	McMorran	Sibley
Cocks	Goebel	Macon	Sims
Cole	Graff	Madden	Slemp
Conner	Graham	Mahon	Smith, Cal.
Cooper, Pa.	Gregg	Mann	Smith, Iowa
Cooper, Wis.	Grosvenor	Marshall	Smith, Md.
Cousins	Hale	Miller	Smith, Pa.
Cromer	Haugen	Moore	Smith, Tex.
Crumpacker	Hay	Murdoch	Smyser
Cushman	Hayes	Murphy	Southwick
Dalzell	Hedge		Sperry
Darragh	Henry, Conn.		Spight

Stafford  
Steenerson  
Sterling  
Stevens, Minn.  
Sulloway  
Taylor, Ohio

Thomas, Ohio  
Tirrell  
Townsend  
Volstead  
Waldo  
Wallace

Wanger  
Watkins  
Watson  
Webb  
Weems  
Wharton

Wiley, N. J.  
Williams  
Wilson  
Wood, N. J.  
Young  
Zenor

NAYS—20.

Beall, Tex.  
Bowers  
Brundage  
Burgess  
Burnett

Butler, Tenn.  
Davis, W. Va.  
Flood  
Floyd  
Hedin

Hopkins  
Hunt  
Kellher  
Kitchin, Claude  
Lamar

Pou  
Richardson, Ky.  
Russell  
Southall  
Stephens, Tex.

ANSWERED "PRESENT"—18.

Andrus  
Bartlett  
Candler  
Currier  
Dale

Finley  
Gillespie  
Greene  
Hull  
Jenkins

Kitchin, Wm. W.  
Lever  
Lilley, Pa.  
Mouser  
Padgett

Robertson, La.  
Sparkman  
Weeks

NOT VOTING—147.

Acheson  
Adams, Pa.  
Adams, Wis.  
Aiken  
Alexander  
Ames  
Babcock  
Bankhead  
Bannon  
Bartholdt  
Bates  
Bede  
Beldler  
Bennet, N. Y.  
Bingham  
Bishop  
Blackburn  
Bowersock  
Bowie  
Bradley  
Brick  
Brooks, Colo.  
Broussard  
Burton, Del.  
Cockran  
Curtis  
Davey, La.  
De Armond  
Dickson, Ill.  
Dovener  
Dresser  
Dwight  
Field  
Flack  
Fordney  
Foss  
Fowler

Gardner, Mich.  
Garrett  
Gilbert, Ind.  
Gilbert, Ky.  
Gillett, Mass.  
Goldfogle  
Goulden  
Granger  
Griggs  
Gronna  
Gudger  
Hamilton  
Hardwick  
Haskins  
Hearst  
Heppburn  
Hill, Miss.  
Hinshaw  
Hitt  
Holliday  
Howard  
Huff  
Hughes  
Humphrey, Wash.  
Humphreys, Miss.  
James  
Jones, Va.  
Ketcham  
Kinkaid  
Knapp  
Knopf  
Lafean  
Lamb  
Landis, Chas. B.  
Landis, Frederick  
Law  
Lawrence

Legare  
Lester  
Lewis  
Lilley, Conn.  
Littauer  
Little  
Littlefield  
Livingston  
Lorimer  
Loudenslager  
Lovering  
McCall  
McCarthy  
McDermott  
McGavin  
McLain  
McNary  
Martin  
Maynard  
Meyer  
Michalek  
Minor  
Mondell  
Moon, Pa.  
Morrell  
Mudd  
Parker  
Patterson, N. C.  
Patterson, Tenn.  
Pearre  
Powers  
Randell, Tex.  
Reid  
Reynolds  
Rhinoek  
Richardson, Ala.  
Rives

Rixey  
Ruppert  
Ryan  
Scroggy  
Sherman  
Slayden  
Small  
Smith, Ill.  
Smith, Ky.  
Smith, Samuel W.  
Smith, Wm. Alden  
Snapp  
Stanford  
Stanley  
Sullivan, Mass.  
Sullivan, N. Y.  
Sulzer  
Talbot  
Tawney  
Taylor, Ala.  
Thomas, N. C.  
Towne  
Trimble  
Tyndall  
Underwood  
Van Duzer  
Van Winkle  
Vreeland  
Wachter  
Wadsworth  
Webber  
Webse  
Welborn  
Wiley, Ala.  
Wood, Mo.  
Woodyard

So the amendment was agreed to.

The Clerk announced the following additional pairs:

For the vote:

Mr. HEPBURN with Mr. RICHARDSON of Alabama.

Mr. CHARLES B. LANDIS with Mr. DE ARMOND.

Mr. TAWNEY with Mr. SULZER.

Mr. BEDE with Mr. RYAN.

Mr. HUMPHREY of Washington with Mr. HUMPHREYS of Mississippi.

Mr. LITTAUER with Mr. LIVINGSTON.

Mr. BRICK with Mr. SULLIVAN of Massachusetts.

Mr. PEARRE with Mr. UNDERWOOD.

For the balance of the day:

Mr. MORRELL with Mr. TALBOTT.

The result of the vote was announced as above recorded.

ADJOURNMENT.

Mr. DALZELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, at 12 o'clock m.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HILL of Connecticut, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 19749) to prescribe the duties of deputy collectors of customs, reported the same without amendment, accompanied by a report (No. 4560); which said bill and report were referred to the House Calendar.

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 16946) releasing the right, title, and interest of the United States to the piece or parcel of land known as the Cuartel lot to the city of Monterey, Cal., reported the same without amendment, accompanied by a report (No. 4564); which said bill and

report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 19755) to authorize the Secretary of the Navy to loan temporarily to the Philippine government a vessel of the United States Navy for use in connection with nautical schools of the Philippine Islands, reported the same without amendment, accompanied by a report (No. 4565); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 19754) to provide for the distribution of public documents to the library of the Philippine government at Manila, P. I., reported the same without amendment, accompanied by a report (No. 4566); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 18671) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon, reported the same with amendment, accompanied by a report (No. 4567); which said bill and report were referred to the House Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TAWNEY, from the Committee on Appropriations: A bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes—to the Union Calendar.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 19845) to provide for the holding of United States district and circuit courts at Durham, N. C.—to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: A bill (H. R. 19846) authorizing James A. Moore, or his assigns, to construct a canal along the Government right of way connecting the waters of Puget Sound with Lake Washington—to the Committee on Rivers and Harbors.

By Mr. RODENBERG: A bill (H. R. 19847) to enlarge the authority of the Mississippi River Commission in making allotments and expenditures of funds appropriated by Congress for the improvement of the Mississippi River—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. WEISSE: A bill (H. R. 19848) to provide for the bringing and maintaining of actions at law in the circuit court of the United States for the eastern district of Wisconsin against the United States of America for damages heretofore or hereafter suffered or sustained by the maintenance of flushboards on the Menasha dam of the United States of America at Menasha, Wis.—to the Committee on the Judiciary.

By Mr. SOUTHWICK: A bill (H. R. 19849) donating Revolutionary cannon to the State of New York—to the Committee on Military Affairs.

By Mr. DALZELL: A bill (H. R. 19850) to authorize the Monongahela Connecting Railroad Company to construct a bridge across the Monongahela River in the State of Pennsylvania—to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY: A bill (H. R. 19851) to provide for the free expression of Representatives in Congress on bills, measures, resolutions, or rules, and for punishment for interfering therewith—to the Committee on the Judiciary.

By Mr. CALDER: A bill (H. R. 19852) making Saturday afternoon a legal holiday, with pay, for employees in navy-yards and naval stations during the months of July, August, and September of each year—to the Committee on Naval Affairs.

By Mr. CURRIER: A bill (H. R. 19853) to amend and consolidate the acts respecting copyrights—to the Committee on Patents.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 19854) to authorize the board of supervisors of Sunflower County, Miss., to construct a bridge across Sunflower River—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMPACKER: A bill (H. R. 19855) providing for the inspection of meats and meat food products and regulating the interstate and foreign transportation thereof—to the Committee on Agriculture.

By Mr. WEEMS: A bill (H. R. 19856) to authorize the Back River Bridge Company to construct a bridge across the west

or smaller division of the Ohio River from Wheeling Island, West Virginia, to the Ohio shore—to the Committee on Interstate and Foreign Commerce.

By Mr. CANDLER: A bill (H. R. 19857) to prevent the sale of vinous, spirituous, malt, or intoxicating liquors on legal holidays in the District of Columbia on July 4, Christmas, or any other legal holiday—to the Committee on Alcoholic Liquor Traffic.

By Mr. BOWERS: A joint resolution (H. J. Res. 166) providing for payment for dredging the channel and anchorage basin between Ship Island Harbor and Gulfport, Miss., and for other purposes—to the Committee on Rivers and Harbors.

By Mr. MOORE: A joint resolution (H. J. Res. 167) requesting the delegates from the United States to the Pan-American Congress to discuss thereat the proposition to establish in the United States a Pan-American College of Commerce—to the Committee on Foreign Affairs.

By Mr. GARNER: A resolution (H. Res. 546) authorizing the Secretary of Commerce and Labor to investigate as to prices of steel, and so forth—to the Committee on the Judiciary.

By Mr. HUGHES: A resolution (H. Res. 547) increasing the pay of the clerks in the Clerk's document room of the House—to the Committee on Accounts.

By Mr. SHEPPARD: A resolution (H. Res. 548) for investigation of expenditures in the Treasury Department—to the Committee on Rules.

Also, a resolution (H. Res. 549) for investigation of expenditures in the War Department—to the Committee on Rules.

Also, a resolution (H. Res. 550) for the investigation of expenditures in the Department of Justice—to the Committee on Rules.

Also, a resolution (H. Res. 551) for investigation of expenditures on public buildings—to the Committee on Rules.

Also, a resolution (H. Res. 552) for investigation of expenditures of the Interior Department—to the Committee on Rules.

Also, a resolution (H. Res. 553) for investigation of expenditures in the State Department—to the Committee on Rules.

Also, a resolution (H. Res. 554) for investigation of expenditures in the Post-Office Department—to the Committee on Rules.

Also, a resolution (H. Res. 555) for investigation of expenditures in the Navy Department—to the Committee on Rules.

By Mr. GARDNER of Massachusetts: A resolution (H. Res. 556) providing for consideration of Senate bill 4403—to the Committee on Rules.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 19858) granting an increase of pension to Richard E. Clapper—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 19859) granting a pension to Mary Nolan—to the Committee on Invalid Pensions.

By Mr. BURGESS: A bill (H. R. 19860) granting an increase of pension to John L. Croom—to the Committee on Pensions.

By Mr. BURNETT: A bill (H. R. 19861) for the relief of Susan Seymour, heir of Edward H. Wade, deceased—to the Committee on War Claims.

By Mr. CALDER: A bill (H. R. 19862) granting an increase of pension to William Nuttall—to the Committee on Invalid Pensions.

By Mr. CROMER: A bill (H. R. 19863) granting an increase of pension to Walter B. Swain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19864) granting an increase of pension to Amos Headley—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 19865) to remove the charge of desertion standing against the military record of Bernhard Steuber—to the Committee on Military Affairs.

By Mr. DOVENER: A bill (H. R. 19866) granting an increase of pension to J. E. Bowers—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 19867) granting an increase of pension to John L. Lymes—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 19868) for the relief of Sarah A. Page, of Dover, Stewart County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 19869) granting an increase of pension to John E. Bowles—to the Committee on Pensions.

Also, a bill (H. R. 19870) granting an increase of pension to Thomas A. Worthington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19871) granting an increase of pension to John G. Kean, alias Cain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19872) granting an increase of pension to Richard E. Hassett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19873) granting an increase of pension to Robert Webb—to the Committee on Invalid Pensions.

By Mr. GILBERT of Indiana: A bill (H. R. 19874) granting an increase of pension to George D. Brown—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 19875) granting an increase of pension to Isaac Willets—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 19876) granting an increase of pension to Luman Vanhoosen—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 19877) granting an increase of pension to Francis Murray—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 19878) for the relief of the heirs of the estate of Alex F. McFerrin, deceased—to the Committee on War Claims.

By Mr. LEE: A bill (H. R. 19879) for the relief of John E. Herrod—to the Committee on War Claims.

By Mr. LEVER: A bill (H. R. 19880) granting a pension to Mary J. Wroe—to the Committee on Pensions.

Also, a bill (H. R. 19881) for the relief of the heirs of Adolphus Feininger—to the Committee on War Claims.

By Mr. PARSONS: A bill (H. R. 19882) granting an increase of pension to Richard Schwabin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19883) granting an increase of pension to Henry Reens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19884) granting an increase of pension to Jane Brosnan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19885) granting an increase of pension to Frank Scherer—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 19886) granting an increase of pension to Margaret A. Atwood—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: A bill (H. R. 19887) for the relief of William H. Roach—to the Committee on War Claims.

By Mr. SHACKLEFORD: A bill (H. R. 19888) granting a pension to Oliver H. Rhodes—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 19889) granting an increase of pension to John M. Melson—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 19890) for the relief of Mary E. Manning—to the Committee on Claims.

By Mr. SMITH of Maryland: A bill (H. R. 19891) granting an increase of pension to Edwin D. Bates—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 19892) for the relief of the heirs of Joseph A. Brunson, deceased—to the Committee on War Claims.

By Mr. STEVENS of Minnesota: A bill (H. R. 19893) to correct the military record of Francis A. Russell—to the Committee on Military Affairs.

By Mr. TAYLOR of Alabama: A bill (H. R. 19894) to correct the military record of Robert Mauser—to the Committee on Military Affairs.

By Mr. WEEKS: A bill (H. R. 19895) to correct the military record of Henry Rockwood—to the Committee on Military Affairs.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 19317) granting an increase of pension to Samantha B. Marshall—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 19831) granting a pension to Clarence B. Sidener—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Great Central Market, of Chicago, for upbuilding of deep-sea marine ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. ADAMS of Wisconsin: Paper to accompany bill for

relief of Matthew Kerwin—to the Committee on Invalid Pensions.

By Mr. BARTLETT: Petition of Milledgeville News, and W. J. Vough, proprietor, of Milledgeville, Ga., for legislation to permit courts to review decisions of the Post-Office Department and for amending law relative to admission to the mail of newspapers—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Paper to accompany bill for relief of Joel Jackson—to the Committee on Invalid Pensions.

By Mr. BURNETT: Paper to accompany bill for relief of Susan Seymour, heir of Edward H. Wade—to the Committee on War Claims.

By Mr. COCKS: Petition of Nassau County Gazette, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CROMER: Petition of Division No. 186, Amalgamated Street and Electric Railway Employees of America, Anderson, Ind., for the Chinese-exclusion act as it is—to the Committee on Foreign Affairs.

By Mr. DAWSON: Petition of 60,000 Americans in Alaska, for elective representation in Congress by the people of Alaska—to the Committee on the Territories.

By Mr. DICKSON of Illinois: Petition of Henry L. Joy, Centralia, the Newton Democrat Publishing Company, and Mount Vernon News Company, for amendment to post-office laws making legal all paid subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of Municipal Art Society of Baltimore, for an art advisory board—to the Committee on the Library.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of John G. Kean, alias Cain—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of F. A. Worthington—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Sarah A. Page—to the Committee on War Claims.

Also, paper to accompany bill for relief of Richard E. Hassett—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Robert Webb—to the Committee on Invalid Pensions.

By Mr. HAMILTON: Petition of citizens of Cuyahoga Falls, Ohio, for bill H. R. 15585, for increase of pensions of ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. HEDGE: Petition of Saturday Evening Post, J. W. Murphy, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HITT: Petition of C. D. Hannon, Erie, Ill.; W. A. Scotchbrook, Stockton, Ill., and Cal. M. Freezer, Mount Carroll, Ill., for amendment to post-office laws and regulation making legal all paid newspaper subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. LEE: Paper to accompany bill for relief of Oathcologa Baptist Church, Barlow County, also George W. Smith—to the Committee on War Claims.

By Mr. LINDSAY: Petition of Municipal Art Society of Baltimore, for bills H. R. 1763 and S. 5694, for an expert art advisory board—to the Committee on the Library.

Also, a petition of Chicago Federation of Labor, against government by injunction, favoring anti-injunction laws—to the Committee on the Judiciary.

Also, petition of Chicago Federation of Labor, for anti-injunction laws, for the Pearre bill (H. R. 18752)—to the Committee on the Judiciary.

By Mr. LORIMER: Petition of Wilder & Co., for Hepburn bill with Senate amendments regarding liability initial carrier, also jurisdiction over sleeping-car and express companies—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUD: Petition of citizens of Michigan, against the ship-subsidy bill (S. 529)—to the Committee on the Merchant Marine and Fisheries.

By Mr. MANN: Petition of the Supreme Council of the Royal League, against further commercial spoliation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of Chicago Commercial Association, favoring bill for the upbuilding of our deep-sea marine (the ship-subsidy bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. PADGETT: Paper to accompany bill for relief of Edward Scruggs, Williamson County, Tenn.—to the Committee on War Claims.

By Mr. POWERS: Petition of captains and pilots, for a light-house on Dogs Island, Passamaquoddy Bay, Maine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Cranesville and Blaine, Me., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RUPPERT: Petition of Municipal Art Society of Baltimore, for Senate bill 5694 and H. R. 17630, for national art advisory board—to the Committee on the Library.

Also, petition of Chicago Federation of Labor, for anti-injunction law—to the Committee on Labor.

By Mr. RYAN: Petition of Municipal Art Society of Baltimore, for H. R. 17630, for national advisory board of art experts—to the Committee on the Library.

Also, petition of Chicago Federation of Labor, for the anti-injunction bill (H. R. 18752)—to the Committee on the Judiciary.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of Edwin D. Bates—to the Committee on Invalid Pensions.

By Mr. SHARTEL: Resolution of members of the working classes of Joplin, Mo., relative to unlawful procedure of governors of Idaho and Colorado against Charles H. Moyer, president; William D. Haywood, secretary, and George A. Pettibone, ex-member of executive board of Western Federation of Miners—to the Committee on Labor.

By Mr. SPARKMAN: Petition of Knights of Columbus, State Council, for bill H. R. 13304, for memorial for Christopher Columbus—to the Committee on the Library.

By Mr. SPIGHT: Paper to accompany bill for relief of heirs of Joseph A. Brunson, deceased—to the Committee on War Claims.

By Mr. STERLING: Petition of N. E. Stevens, P. E. Low, and William G. Dustin, for amendment to post-office laws and regulations to legalize all paid newspaper subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. STEVENS of Minnesota: Paper to accompany bill for relief of Francis A. Russell—to the Committee on Military Affairs.

By Mr. SULLIVAN of New York: Petition of Municipal Art Society of Baltimore, for bills S. 5694 and H. R. 17630, for an art advisory board—to the Committee on the Library.

By Mr. SULZER: Petition of Generals Raum, Crawford, and Birney, for S. 2162, relative to volunteer retired list—to the Committee on Military Affairs.

Also, petition of Chicago Federation of Labor, for the Pearre bill (H. R. 18752), relative to injunctions—to the Committee on the Judiciary.

Also, petition of Inter-Municipal Research Company, for bills H. R. 4462 and S. 2962, relative to labor conditions in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Executive Committee of National Business League, for a gradual enlargement of the Navy—to the Committee on Naval Affairs.

Also, petition of Municipal Art Society of Baltimore, for bills S. 5694 and H. R. 17630, for advisory board of art experts—to the Committee on the Library.

By Mr. WEEMS: Petition of First Presbyterian Church of Barnesville, Ohio, for constitutional amendment abolishing polygamy—to the Committee on the Judiciary.

By Mr. WILEY of Alabama: Petition of J. G. Graves, against tariff on linotype machines—to the Committee on Ways and Means.

## SENATE.

FRIDAY, June 1, 1906.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULBERSON, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16953) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OVERSTREET, Mr. GARDNER of New Jersey, and Mr. MOON of Tennessee managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 19264) making appropriation for the diplomatic and consular service for the fiscal year ending June 30, 1907; in which it requested the concurrence of the Senate.

## PETITIONS AND MEMORIALS.

Mr. CULLOM presented petitions of sundry citizens of Erie, Camp Point, Dallas City, Villa Grove, Johnson City, Mount Carmel, Ramsey, Chicago, Kirkwood, Princeton, Kilmundy, Vienna, Eureka, Dwight, Bridgeport, Bone Gap, Stockton, Monticello, Paxton, Martinsville, Baylis (Pike County), Alto Pass, Fisher, Mount Vernon, Athens, Mansfield, Peoria, Manteno, Marshall, and Wenona, all in the State of Illinois, praying for the adoption of a certain amendment to the postal laws relative to newspaper subscriptions; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. TELLER presented a petition of Midland Division, No. 385, Brotherhood of Locomotive Engineers, of Colorado City, Colo., praying for the passage of the so-called "employers' liability bill;" which was ordered to lie on the table.

He also presented a petition of the Woman's Club of Boulder, Colo., praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia; which was referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 154, American Federation of Musicians, of Colorado Springs, Colo., and a petition of Local Union No. 20, American Federation of Musicians, of Denver, Colo., praying for the enactment of legislation to prohibit Government musicians from competing with civilian musicians; which were referred to the Committee on Military Affairs.

He also presented petitions of the Nineteenth Century Club of Pueblo; of the Young Ladies' National Mutual Improvement Association of San Luis Valley, of Manassa; of the Pierian Club, of Trinidad; of the Columbian Club, of Fort Collins; of the Tuesday Evening Club, of Salida; of the Improvement Club, of Windsor, and of the Federation of Women's Clubs of Colorado Springs, all in the State of Colorado, praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

He also presented a petition of Local Division, Brotherhood of Railroad Trainmen, of Salida, Colo., and a petition of Columbian Council, No. 5, Daughters of Liberty, of Denver, Colo., praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

He also presented a memorial of Local Division No. 19, Amalgamated Association of Street and Electric Railway Employees of America, of Colorado Springs, Colo., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Denver, Colo., praying for an investigation of the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Denver Credit Men's Association, of Denver, Colo., remonstrating against the repeal of the present national bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a petition of John S. Stewart Camp, No. 1, Army of the Philippines, of Denver, Colo., and a petition of Irving Hale Camp, No. 3, Army of the Philippines, of Colorado, praying for the enactment of legislation granting special medals to all officers and enlisted men who served beyond their legal enlistment to suppress the Philippine insurrection; which were referred to the Committee on Military Affairs.

He also presented a petition of the Chamber of Commerce of Colorado Springs, Colo., praying for the enactment of legislation authorizing the Secretary of Agriculture to investigate systems of farm management, making appropriation therefor, and for other purposes; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Business Men's Association of Pueblo, Colo., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BURKETT presented petitions of 8,267 women of the State of Nebraska, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BRANDEGEE presented petitions of 5,316 women of the State of Connecticut, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BRANDEGEE. I present a petition of the Chamber of Commerce of New Haven, Conn., praying for the ratification of the pending treaty with Santo Domingo. I ask that it be re-